



भारत का राजपत्र

The Gazette of India

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 24]

नई दिल्ली, शनिवार, जून 16, 1973/ ज्येष्ठ 26, 1895

No. 24]

NEW DELHI, SATURDAY, JUNE 16, 1973/JYAISTHA 26, 1895

इस भाग में मिल्ने पृष्ठ संख्या की जाती है जिससे कि यह प्रलग संकलन के रूप में रखा जा सके

Separate paging is given to this part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ राष्ट्र और प्रशासनों को छोड़कर)

केन्द्रीय प्राधिकारियों द्वारा जारी किये गये विधिक प्रावेश और आवधानाएं

Statutory orders and notifications issued by the Ministries of the Government of India
 (other than the Ministry of Defence) by Central Authorities
 (other than the Administration of Union Territories)

मंत्रीपद्धति संचालन

(कार्यक्रम और प्रशासनिक सुधार विभाग)

नई दिल्ली, 2 जून, 1973

का. आ 1663—दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का 25) की धारा 3 के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्विवारा, निम्नलिखित अपराधों को ऐसे अपराध निर्धारित करती हैं जिनकी अन्वेषण दिल्ली विशेष पुलिस स्थापना द्वारा होना है, अर्थात्—

(क) भारतीय दण्ड संहिता (1860 का 45) की धारा 394 के अधीन दण्डनीय अपराध;

(ख) खंड (क) में उल्लिखित किसी अपराध के संबंध में या उससे संबंधित प्रयत्न, उक्ताहट और बहुतांक सभा एक जैसे तथ्यों से उत्पन्न हुई वैसी कार्यवाही के दौरान किया गया अन्य कोई अपराध।

[संलग्न 228/9/73-ए. वी. छी 2]

CABINET SECRETARIAT

(Department of Personnel & Admin. Reforms)

New Delhi, the 2nd June, 1973

S.O. 1663.—In exercise of the powers conferred by section 3 of the Delhi Special Police Establishment Act, 1946 (25 of 1946), the Central Government hereby specifies the following offences as the offences which are to be investigated by the Delhi Special Police Establishment, namely:—

- (a) Offences punishable under section 394 of the Indian Penal Code (45 of 1860);
- (b) attempts, abettments and conspiracies in relation to, or in connection with, any offence mentioned in clause (a) and any other offence committed in the course of the same transaction arising out of the same facts.

[No. 228/9/73-AVD. II]

आवेदन

का. आ. 1664.—दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का 25) की धारा 6 के साथ पौठा, धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों तथा इस संबंध में हुसक्के समर्थ बनाने वाले सभी अन्य शक्तियों का प्रयोग करते हुए, विशार राज्य

सरकार की सहमति से, कंन्द्रीय मर्कार, एतद्वारा, दिनांक 8/9 जनवरी, 1973 की तीव्र में प्राम भरतपुरा, थाना विक्रम, जिला पटना के श्री धूपद नारायण रेस हैं घर से कुछ बहुमूल्य पुरानों की तथाकथित चारी के संबंध में भारतीय दण्ड संहिता (1860 की धारा 394) के अधीन वार्डनीय अपराधों तथा भारतीय दण्ड संहिता (1860 का 45) की धारा 394 के अधीन कथित अपराधों के संबंध में था उनसे संबंधित प्रयासों, उक्साहटों और आपराधिक घटयंत्रों तथा उस कारवाई के दर्शन किया गया कोई अन्य अपराध के अन्वेषण के लिए विरली विशेष पौलिस स्थानों के सदस्यों की शक्तियाँ एवं क्षेत्राधिकार का समरूप विवर रज्य में विस्तार करनी हैं।

[संख्या 228/9/73-ए. वी. डी. 2]

वी. एम. सिंह, अवृत्त सचिव

ORDER

S.O. 1664.—In exercise of the powers conferred by sub-section (1) of section 5, read with section 6, of the Delhi Special Police Establishment Act, 1946 (25 of 1946) and all other powers enabling it in this behalf, the Central Government with the consent of the Government of the State of Bihar, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Bihar for the investigation of offences punishable under section 394 of the Indian Penal Code (45 of 1860) and also attempts, abetments and criminal conspiracies in relation to, or in connection with, the said offences, and any other offence committed in the course of the same transaction in regard to the alleged theft of some valuable books on the night of 8/9 January, 1973 from the house of Shri Dhrupad Narain Singh of Village Bharatpura, P. S. Bikram, District Patna.

[No. 228/9/73-AVD. II]

B. M. SINGH, Under Secy.

ELECTION COMMISSION OF INDIA

New Delhi, the 13th April, 1973

S.O. 1665.—In pursuance of section 106 of the Representation of the People Act, 1951 (43 of 1951), the Election Commission hereby publishes the judgement dated the 16th March, 1973, of the Court of the Judicial Commission, Goa, Daman and Diu in Election Petition No. 1 of 1971.

JUDICIAL COMMISSIONER'S COURT GOA, DAMAN & DIU, PANAJI

Election Petition No. 1 of 1971

G. Y. Bhandare

—Petitioner.

Vs.

1. Erasmo de Jesus Jack Sequeira —Respondent

Shri V. R. Bhandare, Advocate for the petitioner.

Shri Porus Mehta Sr. Counsel with Shri Bernardo Reis, for the respondent.

Panaji, the 16th March, 1973

JUDGMENT

This is a petition filed by Shri G. Y. Bhandare against the respondent No. 1 who is the returned candidate of the House of People from the Marmagoa Constituency, the result of the election wherein was declared on the 10th

March, 1971. The petitioner was a candidate to the said election. The nomination of the respondent no. 1 was challenged by the petitioner before the Returning Officer, who over-ruled the objection of the petitioner. The petitioner now files this petition to have the election of the respondent no. 1 declared null and void on the grounds mentioned in the petition.

2. Shortly stated the case of the petitioner is as follows:—By Clause 2 of the Goa, Daman and Diu (Citizenship) Order 1962 (Hereinafter referred to as "the Order"), any person who was born before the 20th December, 1961, in the territory of Goa, Daman and Diu was deemed to have become a citizen of India on that day provided that any such person shall not be deemed to have become a citizen of India as aforesaid if within one month from the date of the publication of the "the Order" in the Official Gazette that person makes a declaration in writing to the Administrator of Goa, Daman and Diu or any authority specified by him in this behalf, choosing to retain the citizenship or the nationality which he had immediately before the 20th December, 1961. By a declaration in writing (Ex-P-3) made on 27-4-1962 the respondent no. 1 chose to maintain his Portuguese nationality and citizenship which he had immediately before the 20th December, 1961. (Exh. P. 3 shall hereinafter for brevity sake be called P. 3). On the 15th May, 1962, the respondent No. 1 proceeded on a foreign travel on a Portuguese passport issued to him on or about the 25th June, 1958, by the former Portuguese Government of Goa, Daman and Diu. As his Portuguese passport was expiring on the 21st June, 1962, he applied to the Portuguese Consulate in London for a new Portuguese passport which was granted to him on the 18th June, 1962. The new Portuguese passport was valid up to the 17th June, 1964. Apart from the fact that the respondent No. 1 became a Portuguese citizen by virtue of P. 3, the respondent No. 1 also acquired Portuguese citizenship by renewing his Portuguese passport in the Portuguese Consulate in London on the 18th June, 1962. In October, 1962 the respondent No. 1 returned to Goa as an alien and applied for and obtained a residence permit to stay in India, which was renewed from time to time. Clause 3A of the Citizenship Rules, 1956 (hereinafter called "the Rules") made under the Citizenship Act, 1955 (hereinafter called "the Act") provides that where a person who has become an Indian citizen by virtue of the "the Order" holds a passport issued by the Government of any other country, the fact that he has not surrendered the said passport on or before the 19th January, 1963, shall be conclusive proof of his having voluntarily acquired the citizenship of that country before that day. The respondent No. 1 deliberately and knowingly failed and neglected to surrender his Portuguese passport before the 19th January, 1963, and has thereby voluntarily acquired Portuguese citizenship irrespective of the facts that he had done so by making the declaration P. 3, and of the renewal of Portuguese passport in London. Sometime in January, 1964, respondent No. 1 returned his Portuguese passport to the Special Adviser, Ministry of External Affairs, Panaji, and without saying anything more claimed Indian citizenship. Whilst claiming Indian citizenship respondent No. 1 suppressed the existence of P. 3. The Administration of Goa, Daman and Diu having P. 3 with them and knowing that the respondent No. 1 was not a citizen of India as a result of P. 3 and of the renewal of Portuguese passport and his failure to surrender it on or before 19-1-1963, for reasons best known to them, informed respondent No. 1 by the letter dated the 15th December, 1964, that he had *prima facie* become a citizen of India by virtue of "the Order". The said information was to the knowledge of respondent No. 3 who was later on dropped by the petitioner, false and erroneous and contrary to documentary evidence in their possession. In fact and in law respondent No. 1 was not a citizen of India under the "the Order" and even if he had become he had, to the knowledge of the third respondent ceased to be for reasons already stated. At any rate the said letter is no evidence that *prima facie* the respondent No. 1 is a citizen of India. Therefore the respondent No. 1 was for the reasons previously stated not an elector as contemplated under the Representation of the People Act 1951, and as he was disqualified from being chosen to fill a seat in Parliament, his election is void.

3. The petitioner took objection to the nomination of the respondent No. 1 before the returning officer on the ground that he was not a citizen of India. The respondent No. 1 produced before the Returning Officer two passports issued by the Chief Secretary of the Goa Government and the letter dated 27-7-1970 from the Government of India saying that

a certificate of citizenship under Section 13 of "the Act" was not necessary for him as the Government of Goa had already conveyed to him that he was, *prima facie*, an Indian citizen. Based on the documents produced by the respondent No. 1, the returning officer overruled the objection of the petitioner.

4. The petitioner prayed that the election of the respondent No. 1 to the Lok Sabha from the Marmagao Parliamentary Constituency, the result whereof was declared on 10th March, 1971, be declared void.

5. By his written statement the respondent No. 1 controverted the material facts alleged by the petitioner. His case is as follows :—

6. The petition should be dismissed in limine under Section 86(1) of the Representation of the People Act, 1951, as the copies accompanying the petition were not at all attested by the petitioner as required by Section 81(3) of the Representation of the People Act, 1951, or otherwise. This Court has no jurisdiction to entertain the petition as section 100 Sub-section (1) Clause (a) of the Representation of the People Act, 1951 is inapplicable to a candidate who after being duly elected has already taken on oath a seat in the House of the People. The decision as to whether a member of the House of People who has taken his seat was or was not an Indian citizen is a matter for the exclusive determination and decision of the President of India under Article 103. If this construction is not accepted the provisions of Section 100(1) (a) of the Representation of the People Act 1951 would be *ultra vires* Articles 102 and 103 of the Constitution.

7. The first proviso to paragraph 2 of "the Order" is *ultra vires* and in excess of the powers conferred by Section 7 of "the Act". Government was not empowered to impose a condition that if a certain declaration is made within a certain time a person shall not be deemed to be a citizen of India. The only power vested in the Central Government was to specify by a notified order persons who should be citizens of India by reasons of their connection with an annexed territory.

8. The respondent No. 1 became a citizen of India under clause 2 of "the Order" in view of the fact that he was born in Goa. The proviso to Clause 2 is not applicable to the respondent No. 1 as he made no legal and valid declaration on 27-4-1962 (P.3) in as much as he did not in fact choose to retain his Portuguese nationality or citizenship. Moreover, P. 3 was made at the request of the then Special Adviser, Goa, for reasons which had no connection whatever with any intention to retain Portuguese nationality or citizenship or to lose Indian citizenship. P. 3 does not bind the respondent or effect the operation of the first part of Clause 2 in so far as it is applicable to the respondent No. 1. The only intention of making the declaration (P. 3) was to retain the Portuguese passport and not to renounce Indian nationality or to maintain Portuguese nationality. The said Special Adviser knowing of this intention conveyed to the respondent No. 1 that he could make the declaration on P. 3. In any case P. 3 was never intended to be or accepted or acted upon as a declaration made under the said proviso to Clause 2. The respondent wanted to go to Portugal on an Indian passport to settle some of his private affairs. He had a talk with Shri Handoo, the then Special Adviser to the Military Governor of Goa, Daman and Diu, about his trip to Portugal. Shri Handoo thought of taking advantage of the journey of the respondent No. 1 to Portugal under some obtainable reason and entrusted the respondent No. 1 with a secret mission. Shri Handoo therefore advised the respondent not to go on an Indian passport to avoid attracting attention and consequent trouble at the Portuguese end and requested respondent No. 1 to retain his Portuguese passport and to comply with other formalities for doing so. As respondent No. 1 was apprehensive about the possible loss of his Indian citizenship which he claimed to possess by birth, Handoo dictated to him the draft of a letter which respondent No. 1 was supposed to address to him. Respondent No. 1 took the draft home, typed the letter to Handoo (Exh. P.4) and also another declared on dated 27-4-62 addressed to the Senior Superintendent of Police (Exh. R. 5) stating that he wished to retain his Portuguese passport. He went to the Police Station and handed over the declaration, R. 5. The S.S.P. glanced at R. 5, returned it to respondent No. 1 and asked him to make a declaration in the prescribed form. Respondent No. 1 told the S.S.P. that he had been sent by

Handoo and the S.S.P. nodded his assent, and told respondent No. 1 that Handoo had telephoned to him regarding the case of respondent No. 1. He signed the declaration P. 3 as a formality and then registered his passport in the Police in the prescribed form and went to Handoo to hand over to him the letter P. 4. He showed R. 5. to Handoo and told him that the Police would not accept it. Handoo told him that the signing of a prescribed form was the formality required to keep up the pretence that he was a Portuguese citizen so that his secret mission might not be jeopardized. An exit and re-entry permit was granted to respondent No. 1 by the Special Officer, Ministry of External Affairs, Panaji, on 1-5-1962 mentioning therein that this was a special case. Respondent No. 1 complied with all the formalities only with the intention of retaining temporarily the Portuguese passport and thinking that his citizenship could in no way be affected, and without intending to retain Portuguese citizenship or nationality. No member of the family of the respondent No. 1 had retained Portuguese citizenship.

9. Respondent No. 1 went to London where he had to renew his Portuguese passport. From London he contacted friends in Portugal and was advised not to enter Portugal. He therefore did not go to Portugal.

10. On his return to India he reported to Handoo and told him that he would be able to make a trip to Portugal, later. Handoo then advised him to continue to retain the Portuguese passport and to comply with the necessary formalities and take due precautions. Shri Handoo was at all times aware that the respondent No. 1 never intended to do any act to jeopardize his Indian citizenship and Handoo himself expressed to the respondent the Government's views that the respondent continued to be an Indian citizen. Respondent No. 1 registered his passport, applied for residence permit and kept renewing it from time to time merely to comply with formalities. When Clause 3A was inserted in Schedule III to "the Rules", respondent No. 1 addressed the letter R. 6 mentioning specifically the authorisation of 1-5-1962 and that he was writing R. 6 to enable him to obtain an Indian passport in due course.

11. He surrendered his Portuguese passport to the Special Adviser, M.E.A. on 15-1-1964. On 25-4-1964 the Registration Officer threatened to prosecute respondent No. 1 for not extending his stay. Respondent No. 1 replied that he had surrendered his passport. The Registration Officer insisted with respondent No. 1 that permission to stay had to be extended. On 1-5-1964 respondent No. 1 wrote to the Special Officer, M.E.A. asking him to inform the Registration Officer that he was an Indian citizen who was holding a Portuguese passport only temporarily. On 18-5-1964 respondent No. 1 was called by the Under Secretary, Home Department, Government of Goa. The respondent No. 1 met the Under Secretary. On 3-6-1964 respondent No. 1 wrote to the Under Secretary giving him some date required by him and requesting him to arrange for the respondent's Indian citizenship to be accepted. On 14-7-1964 the S.S.P. called respondent No. 1 to his office with a birth certificate to show that respondent No. 1 was a Goan by birth. In reply to his application dated 3-6-1964 respondent No. 1 received the letter Exh. P. 41 dated 15-12-1964 whereby the Under Secretary, Goa Government, informed him that he was directed to state that respondent No. 1 had *prima facie* become a citizen of India by virtue of "the Order".

12. When in the year 1969 the question of his citizenship was again raised by the Government of Goa and referred to the Government of India, Ministry of Home Affairs, the Joint Secretary Government of India, wrote to respondent No. 1 that the matter had been reconsidered and treated as closed. The respondent No. 1 then requested the Government of India to issue to him a certificate under section 13 of "the Act". After considering the matter the Joint Secretary, Government of India, M. H. A. advised the respondent No. 1 that since the Goa Administration had, in their letter dated 15-12-1964 (P. 41) already informed the respondent that he had *prima facie* become a citizen of India by virtue of "the Order" the necessity of a certificate under Section 13 of "the Act" did not arise. In any event, having regard to the facts and circumstances in which the purported declaration on P. 3 was made. Exh. P. 52 is in fact and in law a certificate under the said Section and must be construed to be so. In this view of the matter, a duly authorised officer

of the Central Government having adopted and accepted the certificate P. 41, P. 41 must be constituted as having the same effect as a certificate under Section 13 of "the Act". There is therefore conclusive evidence that the respondent No. 1 is a citizen of India on and from 15-12-1964 or at least from 27-7-1970.

13. In law the natural status of a subject of an annexed territory is a matter for the State and the Courts of law can have no say in the matter. The case must therefore be referred to the Government for its decision under "the Act".

14. The fact that respondent No. 1 renewed his Portuguese passport in 1962 or did not surrender it before 15-1-1963 has no relevancy at all, not only in view of the facts mentioned above, but also because the said passport was returned and an Indian passport was obtained in 1965 and another Indian passport was obtained in 1970.

15. This court has no jurisdiction to decide matters regarding acquisition of foreign citizenship by an Indian national on account of his omission to act in accordance with Rule A of "the Rules". In any event, Rules 3A is ultra vires and in excess of the powers conferred on Government by Section 18 of "the Act" because the same is a rule of substantive law and not a rule of evidence.

16. On the basis of the case set up by the respondent No. 1 as narrated by me in the preceding paragraphs, the respondent No. 1 prayed that the petition be dismissed in limine.

17. The case of the Government of India, the respondent No. 3 in this petition was as follows:—

18. Respondent No. 1 became a citizen on 20th December, 1961 and is still a citizen of India. P. 3 was not voluntarily signed by respondent No. 1 as it was signed by him on advice and at the instance of the then Special Adviser, Goa, (Shri Handoo) acting on behalf of respondent No. 3. P. 3 does not in any way affect the status of Indian citizenship acquired by respondent No. 1 by virtue of the provisions of "the Order". Respondent No. 1 did not continue to be a Portuguese national on account of P. 3. Having regard to the circumstances under which P. 3 was signed, P. 3 is not a declaration contemplated by the proviso to "the order". The Special Officer, M.E.A. issued to respondent No. 1 a special authorisation permitting respondent No. 1 to go to U.K. and Portugal on his Portuguese passport and return to India within a period of 6 months. After respondent No. 1 returned to India residential permits were granted to him from time to time with a view to avoiding any complications as respondent No. 1 held a Portuguese passport for reasons connected with the affairs of State and the said permits were granted on behalf of respondent No. 3 with a view not to embarrass respondent No. 1. Respondent No. 1, did not cease to be an Indian citizen from June, 1962 or later on at any time. Respondent No. 1 returned his Portuguese passport to the Special Officer, M.E.A., Panaji, in January, 1964, and sought recognition of his Indian citizenship. He did not apply for his registration as a citizen of India under "the Act". Respondent No. 1 was treated as a citizen of India as from 20th December, 1961. Respondent No. 1 did not commit acts sufficient to bring about the termination of his Indian citizenship. Respondent No. 1 was an elector under the Representation of People Act, 1951. The passports issued to the respondent No. 1 are of relevance to this case.

19. These in short are the cases of the petitioner, the respondent No. 1 and the respondent No. 3.

20. On these pleadings, my learned predecessor framed on 16-9-1971 the following issues:—

1. Has this Court jurisdiction to entertain the election petition?
2. Is the petitioner a citizen of India?
3. Did the petitioner comply with the provisions of Section 81(3) of the Representation of People Act 1951 and if not is the petition fit to be dismissed under Section 86(1) of that Act?
4. Whether the first proviso to Para 2 of the Goa, Daman and Diu (Citizenship) Order 1962 is ultra vires and in excess of the powers conferred by Section 7 of the Citizenship Act 1955?

5. Was the first respondent disqualified to be chosen as member of the Lok Sabha in March, 1971 for the reasons stated by the petitioner in the election petition?

6. To what relief?

The parties raised no objection as to the framing of these issues. Issues Nos. 1, 3 and 4 were set up for being heard as preliminary issues. My learned predecessor also decided that if the parties were prepared to adduce evidence about issue No. 2, that issue also would be decided alongwith issues Nos. 1, 3 and 4. My learned predecessor by his order dated 5th October, 1971, decided issues Nos. 1, 2 and 4. He did not decide issue No. 3 because the parties wished to adduce evidence regarding that issue. Issues Nos. 1 and 2 were decided in the affirmative, in favour of the petitioner and issue No. 4 was decided in the negative, also in favour of the petitioner. The issues that fall for my determination, therefore, are the issues Nos. 3, 5 and 6.

21. The first of these issues is regarding the presentation of the petition. The petition was handed over to the Registrar on 20th April, 1971. The Registrar made an endorsement on the petition that the petition was presented on that day. The roznama shows that when the petition was handed over to the Registrar copies of the petition had not been attested by the petitioner under his own signature to be true copies of the petition as required by Section 81(3). The petition was not registered on that day. Rule 5 made by this Court in regard to election petitions under the Representation of the People Act, 1951, provides that immediately after the petition is presented the Registrar shall endorse thereon the date of presentation and shall enter it in a special register maintained for the registration of the election petitions. This rule was not fully complied with by the Registrar. When the petition was handed over to him by the petitioner he made an endorsement therein, but did not register the petition in the special register. Before such registration was done the petitioner attested all copies to be true copies of the petition on 23-4-1971. On 24-4-1971 the petition was registered in the special register maintained for the registration of election petitions.

22. In the roznama there is an entry made by the Superintendent that the petitioner had not attested the copies as true copies. The petitioner has stated in the course of his evidence that he had attested the copies but that he had not attested the annexures and that the annexures were merely signed by him. It is possible that the Superintendent has made a mistake due to oversight. However, I have to go by records and I have to accept the entry in the roznama made by the Superintendent in preference to the deposition of the petitioner. The entry made by the Superintendent reads as follows:—

"The copies for the respondents are not attested by the petitioner under his own signature to be true copies of the petition".

From this entry all that can be concluded is that the copies of the petition were not attested but it cannot be said from that entry that the copies of the petition were not even signed by the petitioner. The respondent No. 1 has not stated that the petitioner had not signed the copies when the petition was presented. The case of the respondent No. 1 is that the petition was not attested. An attestation means certifying a copy to be true and signing it. According to the respondent No. 1 therefore both these things were missing. The burden lies on the respondent No. 1 to prove his contention and as I have said there is no proof that the petitioner had not even signed the copies of the petition though there is proof that he had not attested them. In the normal course I am to presume that the copies of the petition had been duly signed. There is in addition to this the fact that I have already pointed out, that even attestation was done before the registration of the petition. Shri Bhandare relies on 'Harish Chandra v. Triloke Singh' AIR 1957 SC 444 and on 'Dr. Anup Singh v. Abdul Ghani' AIR 1965 SC 815. In the first of these cases an amendment was allowed permitting a new ground to be raised after the petition was filed and Shri Bhandare argues that if an amendment of that nature was allowed there is no reason why the petitioner should not be allowed to attest the copies of the petition after it was filed but before it was registered. In the second decision on which Shri Bhandare relies, copies of the petition merely signed but not attested and served on the opposite party

were considered substantial compliance with the provisions of Section 81(3) of the Representation of the People Act. It appears to me that this decision of the Supreme Court clinches the issue. There has been substantial compliance with the provisions of Section 81(3) in the present case and I answer the issue No. 3 in the affirmative in favour of the petitioner.

23. I shall now proceed to consider the issue No. 5.

24. This issue is, whether the respondent No. 1 was an Indian Citizen at the time of the Election. In this regard the contention of both the parties are two-fold. The petitioner contends that the respondent No. 1 never acquired Indian Citizenship and always continued to be a Portuguese citizen in view of the proviso to clause (2) to "the Order" and that assuming that he did acquire Indian citizenship under "the Order", he lost it in June 1962 when he renewed his Portuguese Passport or in any event on 19-1-1963 when he failed to surrender his Portuguese passport. The contentions of the respondent No. 1 are that the respondent No. 1 was an Indian citizen by virtue of "the Order", and that, though the second question raised by the petition regarding the loss of citizenship is within the exclusive jurisdiction of the Central Government and not of this Court, this Court should not, in the event of answering his first contention in the affirmative, refer the matter to the Government of India because there is ample evidence on record to show that the Government of India has already answered that question.

25. The respondent No. 1 had raised a preliminary objection regarding the jurisdiction of this Court. He contended that assuming P. 3 intentionally made, the legal effect of P. 3 would be that the respondent No. 1 had, on account of it lost his Indian citizenship which he had acquired on the coming into force of "the Order". The argument of Shri Porus Mehta on behalf of the respondent No. 1 was that the respondent No. 1 became an Indian citizen on the day "the Order" was published and ceased so to be on the day he executed P. 3, if at all P. 3 was to be given any value in law. I have disposed of this preliminary point by my order dated 5-1-72 and I held that in case P. 3 was to have its legal effect the respondent No. 1 had never acquired Indian citizenship.

26. The petitioner also raised a preliminary objection regarding P. 3, namely, that the respondent No. 1 should not be allowed to lead any evidence to show that P. 3 was not intentionally executed by the respondent No. 1. This preliminary contention raised by the petitioner based on Sections 90, 92 and 94 of the Indian Evidence Act, was rejected by me by my order dated 5-1-72.

27. It is contended by the petitioner that the execution of P. 3 is a complete proof that the respondent No. 1 never became an Indian Citizen, and that even if it is assumed without admitting that P. 3 was not intentionally executed by the respondent No. 1, its legal implication and effect cannot be nullified even by the Government of India because the Government of India has no power to bypass the provisions of law.

28. The contention of the respondent No. 1 is that he did not sign P.3 voluntarily, but signed it at the instance of the Government of India with the purpose of doing certain work in connection with the affairs of State and that therefore P.3 having been signed without the intention of retaining the Portuguese citizenship. it is ab initio, null and void and without any legal effect.

29. The evidence which I have to consider consists of the depositions of the petitioner, the documents filed by the petitioner and the respondent No. 1, the evidence of the respondent No. 1 and the evidence of the two witnesses of the respondent No. 1 Shri Handoo, the Special Adviser to the Government of Goa, Daman and Diu at the relevant time and Shri Patel, the Joint Secretary, Government of India, Ministry of Home Affairs.

30. Before I proceed to consider this evidence I will decide the questions which were raised by the petitioner regarding the genuineness of R.5 and R.6. All the other documents have been admitted without any controversy.

31. R. 5 is a declaration by respondent No. 1 that he wished to retain Portuguese passport. It is contended by the petitioner that it was not at all necessary for respondent No. 1 to make that declaration because even Indian citizens could keep Portuguese Passports until clause 3A was inserted

in the Schedule III to the Citizenship Rules 1956, requiring the surrender of such passports on or before 19-1-63. It must however be remembered that in the present case according to the case of respondent No. 1 he wanted to go to Portugal on an Indian passport and he was told by Handoo to go on a Portuguese passport. He stated that he thought that the instructions given by Handoo to him were to do the needful to retain the Portuguese passport and to register it, and that he was asked to sign P. 3 by the Registration Officer much against his wish and his expectation. It is possible therefore, that the respondent No. 1 thought that he had to make a declaration like R. 5 and not like P. 3 for the purpose of travelling abroad on a Portuguese passport. The petitioner further contends that R. 5 was preserved for the abnormally long period of 10 years; that the presence of the photostat copy of R. 5 in the record of the Government of India could not be explained; that though R. 5 and P. 4 were written one after another by the respondent No. 1 in his office, the papers used for these documents were different and the signatures on each of them were also different; that the Senior Superintendent of Police was not examined regarding R. 5 and that R. 5 was nor mentioned in the voluminous correspondence between the respondent No. 1 and the Goa Government or between the Goa Government and Delhi or between the respondent No. 1 and Delhi. Unfortunately, all these facts which according to the petitioner, cast a suspicion about the genuineness of R. 5, were not put to the respondent No. 1 in the course of the cross-examination nor were any suggestions made to him in that regard. The question of the respondent No. 1's citizenship was being agitated up to the end of 1964 and it was re-raised in 1969. It can therefore be said that R. 5 was kept for about 5 years, but not for 10 years. It was not suggested to the respondent No. 1 that the photostat copy of R. 5 was surreptitiously placed on Government records. Such suggestion was made to Patel but was repelled by him. It is true that the papers used for P. 4 and R. 5 were different, but whereas R. 5 was a declaration, P. 4 was a letter. The signatures in these two documents vary. I must agree with the petitioner that in the normal course we could expect the respondent No. 1 to sign in the same manner on R. 5 and P. 4. It is also true that R. 5 was not mentioned in the various letters written in connection with the citizenship of the respondent No. 1. Handoo was shown R. 5 and he admitted that the respondent No. 1 showed R. 5 to him on 27-4-62 and that the respondent No. 1 told him that he had produced R. 5 to the Senior Superintendent of Police in the first instance, but that the Senior Superintendent of Police did not accept it and in its place he asked the respondent No. 1 to sign P. 3; that he told the respondent No. 1 that P. 3 was the usual form and that R. 5 could not be accepted. Be that as it may, R. 5 is not a document vital to the outcome of the case.

32. R. 6 is the letter dated 18-1-63 addressed to the Special Officer, by respondent No. 1 informing him that the respondent No. 1 had left India on a Portuguese passport bearing No. 3093/62 on 15-5-62 and that he had to retain it for some time more for giving abroad. The respondent No. 1 further states in R. 6 that R. 6 is written on account of the notification inserting clause 3A in Schedule III to the Rules and for the purpose of enabling the respondent No. 1 to obtain his Indian Passport in due course. It is argued by the petitioner that this letter was not at all necessary. I do not see how this is so. The case of the respondent No. 1 was that he was an Indian citizen notwithstanding the retention of the Portuguese passport and clause 3A was coming on the way of his claim to Indian citizenship. In this connection it must be recalled that according to the respondent No. 1 P. 3 was not made voluntarily and had no legal effect. The respondent No. 1 has stated that he had sent R. 6 to the Special Officer and the presumption arises that in due course of business the Special Officer did receive R. 6. The argument of the petitioner that no mention is made of R. 6 in the inter-Government for Government correspondence, that R. 6 was received, is of no great relevance. In his letter dated 15-1-64 (P. 24) addressed to the Special Officer, the respondent No. 1 invited the attention of the Special Officer to R. 6 and the Special Officer did not deny that R. 6 was received by him. In the statement made to the police by the respondent No. 1, the respondent No. 1 brought to the notice of the police that he had written R. 6 to the Special Officer on 18-1-63. This fact is reproduced by the Senior Superintendent of Police in his letter dated 22-7-64 (Exh. P. 38) addressed to the Special Officer. In his letter dated 24-8-64 (Exh. P. 39) written by the Chief Secretary to the

Under Secretary, Government of India, the Chief Secretary also reproduced the fact that the respondent No. 1 had stated that he had written R. 6 to the Special Officer. I cannot accept the argument of the petitioner that the reference made to R. 6 in various letters, is made because in his letter dated 3-6-64 (Exh. P. 33) to the Under Secretary, Home Department, Panaji, the respondent No. 1 had transcribed the body of R. 6. The transcription of R. 6 does not contain the name of the person to whom the letter was addressed or the date or the signature of the addressee. The reference made to R. 6 by various officers of the Government is not to the transcript of R. 6 but to a copy of R. 6. In the circumstances it is difficult for me to hold that R. 6 was never written and was a letter concocted for the purpose of supporting the case of the respondent No. 1.

33. The first part of Issue No. 3 which I have to consider is whether the respondent No. 1 travelled abroad on a Portuguese Passport at the request of Shri Handoo on a secret mission connected with the affairs of the State. I will, therefore, discuss first the question of the secret mission.

34. The respondent No. 1 has stated that whilst he was a student he had taken part in the struggle for the Liberation of Goa; that he used to propagate the idea of the liberation of Goa that he collected secret information between 1954—57 and gave this information to Shri Ashok Mehta on behalf of the Government of India, in Bombay; that he collected information in Goa whilst he was a student in Bombay because he was asked to do so. Some support to these statements of the respondent No. 1 is found in the evidence of Handoo who stated that he came in contact with the respondent No. 1 for the first time in 1958 or 1959 in Bombay at the residence of Mr. Mehta. Handoo also stated that on the information received by him he found the respondent No. 1 reliable enough to be entrusted with some secret mission.

35. The respondent No. 1 stated that after the liberation he met Handoo and told him that he wanted to go to Portugal on an Indian passport for settling some private affair with a Portuguese lady; that on 10th April, 1962 he handed over the Portuguese passport that he was then holding, to Handoo; that when he met Handoo on 27-4-62, Handoo suggested to him to go on a Portuguese passport to do some important work for the Government of India; that when he received the instructions from Handoo, he made it clear to Handoo that he was an Indian citizen and wished to remain an Indian citizen; that Handoo assured him that his travelling on a Portuguese Passport would in no way jeopardize his Indian citizenship and that it was necessary that he should travel on a Portuguese passport to avoid attracting attention of the Portuguese and of the public in order that the secret mission on which he was to travel might be performed smoothly and that for this purpose he had to keep the pretence that he was a Portuguese citizen in every way. This statement made by the respondent No. 1 in his examination-in-chief was maintained throughout the cross-examination and any suggestion that the statement was false was stoutly repelled by the respondent No. 1. Shri Handoo also substantially supported the statement when he deposed that he had a meeting with the respondent No. 1 sometime in April, 1962; that the respondent No. 1 expressed to him his desire to go to Portugal on an Indian passport with a view to solve his entanglement with a white Portuguese lady; that as he desired to use the respondent No. 1 he suggested that the respondent No. 1 should retain his Portuguese passport and that the respondent No. 1 would be issued an Indian passport when the occasion arose. Handoo also stated that he had decided to send the respondent No. 1 on a secret mission connected with the affairs of the State because, (i) the respondent No. 1 had a Portuguese passport, (ii) he had an ostensible reason to visit Portugal, which would not attract the attention of the Portuguese and the public to the secret mission and (iii) respondent No. 1 was a trustworthy and loyal Indian citizen.

36. P. 3 is the main stay of the evidence on which the petitioner relies in support of his case. This document is a declaration in a prescribed form which persons of Goan origin desiring to retain Portuguese citizenship under the proviso to Clause 2 of "the Order", had to fill up and sign. Respondent No. 1 states that after the talk he had with Handoo regarding his desire to travel on an Indian passport and the advice given by Handoo to travel on a Portuguese passport for reasons already stated, respondent No. 1 saw

Handoo on 27-4-1962; that Handoo returned to him the Portuguese Passport given to Handoo on 10-4-1962 and asked him to get it registered at the Police; that Handoo told him that he would have to make a declaration to the S.S.P. to retain that Portuguese passport; that Handoo said that he would intimate the S.S.P. about it; that Handoo also dictated the No. 1 went to his office, typed the declaration R. 5 and letter P. 4 and thereafter proceeded to the Police Station; that he handed over the declaration R. 5 to the S.S.P., the S.S.P. glanced at it, and returned it to him and instead, made him fill in and sign P. 3. and then sent him to the section concerned to get his passport registered; that he got his passport registered and went to Handoo, gave him P. 4 and showed him R. 5; that he told Handoo that the S.S.P. made him sign a form on Handoo's instructions; that he inquired what that form was and why he had been made to sign that form instead of R. 5; that Handoo told him that that was the form that had to be signed for a Portuguese to leave the country; that he told Handoo that he was an Indian citizen and that he had made it quite clear to him that he wished to remain an Indian citizen; that Handoo told him that he had to make him sign the form as a formality to do the work that he had entrusted him to do on behalf of the Government of India and that the signing of the form would not in any way affect his Indian citizenship; that Handoo said that anything out of the ordinary would attract attention and that in order to do the work that he had entrusted him, he had to make him keep up the pretence of being a Portuguese citizen in every way; that P. 3 was not signed voluntarily but was signed at the instance of Handoo for reasons connected with affairs of State and not to renounce his Indian citizenship or retain Portuguese citizenship; that his only intention in signing P. 3 was to retain a Portuguese passport and not to lose Indian citizenship or to retain or acquire Portuguese citizenship. In cross-examination respondent No. 1 stated that the ostensible reason why he retained a Portuguese passport was that he wanted to visit Portugal for personal reasons and was going with the permission of the Government, but that the real reason for retaining the Portuguese Passport was an assignment given to him in official confidence of which the details are in secret files of the Government; that he came to know of "the Order" in its entirety when he saw Handoo and asked him what P. 3 was; that it was at that moment that he read "the Order" for the first time in Handoo's office and that he had made it clear to Handoo around the middle of March 1962 that he wished to remain an Indian citizen; that P. 3 was not signed in pursuance of "the Order" but merely to keep a pretence; that the signing of the form raised no implications in his case because he did not sign the form voluntarily; that he received an assurance from Handoo before he signed the form and also thereafter and that had he not received such assurance after he signed the form he would have proceeded further in the matter; that the assurance was not given particularly with reference to the form but generally, that his citizenship would not be jeopardized; that when Handoo told him that anything out of the ordinary would attract attention, Handoo meant by the word "attention" the attention of the public and that the attention of the public should be avoided so that he might not land into complications with regard to the work with which he was entrusted, which work was of secret nature; that in the meeting in the evening of 27-4-1962 Handoo told him to keep the pretence of being a Portuguese citizen in every way; that Handoo told him to go directly to Portugal but thereafter he told him to go first to London. In the course of his cross-examination he stated that he considered himself bound to sign P. 3 because of the agreement between Handoo and him to do the work, though he was not to receive any consideration for the work and he was willing to do the work for the Government; that he consented to follow Handoo's instructions on the assurance that his citizenship of India would in no way be jeopardized. To a suggestion made by Shri Bhandare in this regard, respondent No. 1 replied that it was true that he had agreed to do the secret work solely to serve the country.

37. Handoo has also deposed as to the circumstances under which P. 3 was signed by respondent No. 1. He has stated that respondent No. 1 retained his Portuguese passport till such time as he had asked respondent No. 1 to relinquish it; that he asked the respondent No. 1 to relinquish it sometime in December 1963 or January 1964; that he asked respondent No. 1 to retain the Portuguese passport in order that he could comply with the assignment that was given to him; that he took advantage of the fact of the entanglement of respondent No. 1 with a Portuguese lady to give him a top

secret assignment under this cover. In the cross-examination Shri Handoo stated that respondent No. 1 told him that he was asked by the S.S.P. to sign the printed form of declaration which is the usual form; that he told respondent No. 1 that it was necessary to sign the usual form as demanded by the S.S.P.

38. It is contended by the petitioner that a plain reading of P. 3 conveys a clear intention on the part of respondent No. 1 to retain Portuguese citizenship and that therefore P. 3 would be conclusive and unrebuttable proof that respondent No. 1 intentionally retained his Portuguese citizenship. It is further contended by him that there was no element of threat or coercion or misrepresentation or fraud or undue influence in regard to the signing of P. 3. Shri Bhandare argues that unless respondent No. 1 could show that he signed P. 3 in performance of a legal duty the legal effect of P. 3 should follow. This question does not survive in view of my order dated 5-1-1972 wherein I held that evidence regarding the fact that the declaration was made by respondent No. 1 without mens declarandi, could be led. If respondent No. 1 had no intention to execute P. 3 and if he had executed it just to keep up a pretence, as is alleged by him, P. 3 would have no legal effect. Shri Bhandare relies on 'Abdul Salam v. Union of India and Another' A.I.R. 1969 all. 223. In that case Abdul Salam, the plaintiff appellant migrated to Pakistan in 1950. He remained there for 5 years. In 1955 when he received news that his father was seriously ill and almost on his death bed he felt compelled to obtain a Pakistani passport and to return to India. He overstayed in India and was served with a notice to leave the country. He instituted legal proceedings to restrain the Government from deporting him. It was held by the Allahabad High Court that the desire to be present at a particular place does not create any legal obligation to be present there and that therefore it could not be said that the passport was not voluntarily obtained. It seems to me that it is not difficult to distinguish Abdul Salam's case from the present one. Abdul Salam obtained a Pakistani passport after staying in Pakistan for 5 years, and returned to India for purely personal reasons. In the case before me it is contended by the respondent No. 1 that when he wanted to go to Portugal for personal reasons he wanted to go on an Indian passport and that he retained the Portuguese passport purely because he was asked to do so to carry out a top secret assignment in connection with affairs of State. According to the respondent No. 1 his desire to keep the Portuguese passport was therefore not for personal reasons but for reasons of interest of State. The desire was prompted by the legal obligation that he had to discharge due to the undertaking given to Handoo to perform the secret mission. It appears to me that when someone offers to perform some task in relation to affairs of State whatever he does towards the performance of that task is done under an implied legal obligation which flows from the undertaking given by him to the State.

39. The other arguments advanced by Shri. Bhandare regarding the volition of respondent No. 1 to sign P. 3 are: that Handoo does not corroborate that he had given any instructions either to respondent No. 1 or to S.S.P. in the matter of execution of P. 3; that the "pretence of nationality", "affairs of State" and "secret mission" are absent in the written statement of respondent No. 1; that Handoo did not give to respondent No. 1 a blanket assurance regarding the safeguard of Indian nationality as is alleged by respondent No. 1 does not state that the advice to execute when he came to know about the implications of having signed P. 3; that the assurance of Handoo in relation to citizenship is absent in the written statement; that Handoo does not corroborate any discussion with respondent No. 1 in the matter of assurance of citizenship rights; that the respondent No. 1 does not state that the advice to execute P. 3 was included in the instructions given to him; that it was not necessary to sign P. 3 to retain Portuguese passport to visit Portugal; and that Handoo did not have a conversation with the S.S.P. regarding P. 3. These arguments are not substantially borne by the record or are otherwise incorrect. It is true that P. 3 need not be signed merely to retain Portuguese passport, but it had to be signed if respondent No. 1 was to travel on that passport. This position had eventually to be admitted by Shri Bhandari.

40. I have discussed the oral evidence of the witnesses regarding the intention of respondent No. 1 in signing P. 3. The main contention of respondent No. 1 is that it was signed unintentionally and merely to keep up a pretence

that he was a Portuguese citizen so that the secret mission connected with affairs of State might be fulfilled. The existence of the secret mission itself was strongly challenged by the petitioner. The petitioner's case is that the secret mission is a concoction made by the respondent No. 1 and the Government of India acting in collusion. I have already narrated generally the evidence about the assignment of the secret mission. I am now going to discuss the oral evidence regarding the secret mission, and the instructions alleged to have been given regarding that mission.

41. Respondent No. 1 has stated in the course of his long cross-examination on this point, that instructions regarding the secret mission were being given to him by Handoo from time to time; that whilst giving instructions he was usually shown a note that had been written and that he was allowed to take notes from those notes, if he so required; that his secret mission was to be carried out in Portugal and also in other countries. It was suggested to respondent No. 1 by Shri Bhandare that the instructions regarding the work for Government were given to respondent No. 1 by Handoo in the evening of 27-4-1962. Respondent No. 1 denied that suggestion and stated that they were given partly earlier and partly later and that the instructions were received by him until the day he left. Respondent No. 1 stated that some of the countries that he visited were Pakistan, England, France, Denmark, Germany, United States and Portugal. Later on he corrected himself and stated that he did not visit Portugal. It was argued by Shri Bhandare that Handoo also stated that respondent No. 1 had visited Portugal when he was enumerating the countries which respondent No. 1 visited whilst abroad and that later on Handoo also corrected himself and said that respondent No. 1 had not visited Portugal. Shri Bhandare contends that this lapse on the part of both the witnesses was not casual. He however did not clearly state that it was the petitioner's case that respondent No. 1 did visit Portugal during his trip abroad. If the case of the petitioner was in fact that Portugal was visited, a suggestion would have been made to these two witnesses that respondent No. 1 visited Portugal. The petitioner could also summon the respondents to produce the Portuguese passport bearing No. 3093/62 which the respondent No. 1 surrendered to the Special Officer on 15-1-64. Nothing of the sort was done by the petitioner and I see no reason why the word of these two witnesses, that respondent No. 1 did not visit Portugal should not be accepted. Respondent No. 1 further stated in the course of his cross-examination that he was instructed to stay in each of these countries for sometime; that that particular mission was entrusted to him alone; that as far as the expenses of the journey were concerned the issue of sharing them never arose; that he volunteered to pay some of the expenses; that the question of expenses was discussed in the first week of April, 1962, when he agreed to do the work for the Government; that he told Handoo that he would pay certain expenses and Handoo agreed to the suggestion; that money was paid in cash to him before he left, but that he did not know what was the amount paid; that the money paid was in Sterling, but that he did not remember the denomination of the notes in which it was paid; that the money was paid in the month of May, 1962 in Goa; that he could not say what were the total expenses of the trip; that he did not remember how much money he had received from the Government; that he spent all the money that he received from the Government for the work entrusted to him by the Government and whatever he had spent in addition to what he received was reimbursed to him on his return; that the reimbursement was made in October in Goa, in rupees, in cash; that he spent in foreign currency of his own, which he had taken from here whilst going and was reimbursed in Indian currency; that some money was sent to him by Government whilst he was abroad but that he did not know the persons who delivered that money to him; that he accepted money from persons he knew were coming from Handoo. He used to identify those persons by connecting the instructions given to him with the messages the persons who came from Handoo used to give him; that he contacted some friends in Portugal whilst he was in London to find out the possibility of his visit to Portugal; that the names of those friends were given to him by Handoo in Goa; that he had taken down in writing the names of those friends and had kept a record of those names, but that the record was later on destroyed. Respondent No. 1 was asked by Shri Bhandare—"You first stated that you could not disclose the names of the friends and when you were compelled to disclose the names later on, you stated that you did not remember the names. Which of the two versions

is correct?", and the answer was—"I do not want to disclose the names and also I do not remember the names." According to Shri Bhandare the answer was discrepant. On behalf of the respondent No. 1 it was contended that the meaning of the answer was that even if respondent No. 1 remembered the names of those friends he was not prepared to disclose their names. Respondent No. 1 further stated that he gave the accounts of his expenditure to Handoo, but maintained no copy of them; that all the notes he had taken down from the records either regarding the secret mission or the retention of Portuguese passport, the complying with formalities, and the taking of due precautions, were destroyed by him under instructions, when he returned the Portuguese passport. It was suggested to respondent No. 1 that the instructions he was speaking about had not been mentioned by him in the written statement. The respondent No. 1 replied that they were mentioned in the written statements in a very guarded manner and that it could be inferred from the general reading of the written statement that he had been entrusted with a secret mission. When respondent No. 1 was questioned about his work in Portugal, he stated that the lady was not his relation, but his friend; that there was no entanglement as Handoo had written in P. 4; that the reasons for his visiting that friend were highly personal, i.e. the matter was private one between him and the lady; that the messages that were sent to him by friends in Portugal not to go to Portugal were communicated to him either by word of mouth or in writing; that the writings were hand delivered; that the messages were sent in Portuguese and English; that during his secret mission he was given means to identify himself, but that he was not given an identity card; that after leaving India he went first to Pakistan; that he does not remember whether in Pakistan he stayed in a hotel or a private house; that he stayed in London for about three weeks sometimes in a hotel, sometimes with friends; that he does not remember the name of the hotel; that he does not remember he made short trips from London before he renewed his Portuguese passport in June 1962; that he could not say the exact sequence of the countries he visited, but that that sequence could be found in the Portuguese passport that he surrendered; that his mission was not only to deliver secret messages but included meeting people and discussing with them; that the exit and re-entry permit (P. 5) was given to him to facilitate the mission; that he could not say why countries other than U.K. and Portugal were not mentioned in P. 5; that when he was given P. 5 he had already been given instructions to visit various other countries; that the secret mission was against Portugal; that in other countries his mission was against Portugal; that he had specific instructions from Handoo not to disclose the mission to any body and that he did not disclose even to his parents that he was going on a secret mission; that the friends who advised him not to go to Portugal were in Portugal; that he also received instructions not to go to Portugal from Handoo; that sometimes he contacted friends in Portugal and at other time friends contacted him; that the friends did not volunteer to give him that advice, but that he consulted those friends before leaving for Portugal; that the instructions to contact friends in Portugal were given to him by Handoo in Goa; that instructions were received by him from Handoo not to go to Portugal whilst he was in London, after he contacted friends in Portugal; that he asked for instructions from Handoo; that he disclosed about the secret mission for the first time openly in this Court after the petition was filed because he found that Government themselves had made such disclosure in their written statements; that his mission ended on 15-1-1964 when he returned his Portuguese passport.

42. Handoo has substantially supported the statement of respondent No. 1 regarding the secret mission. Handoo stated that he entrusted respondent No. 1 with a highly top secret mission in connection with the security of the Government of India; that the respondent No. 1 had retained his Portuguese passport till such time he had asked him to relinquish it; that he had asked respondent No. 1 to retain his passport in order that he could comply with the assignment that was given to him; that respondent No. 1 travelled to various countries under instructions from him on a Portuguese passport; that he travelled for a period of six months on that passport in connection with the assignment that had been given to him; that the Government of India and respondent No. 1 shared the expenses of his travel abroad. In his cross-examination he stated that the reasons for choosing respondent No. 1 for the top secret assignment were:—(i) the holding of a Portuguese passport by respondent No. 1 (ii) his entanglement with a Portuguese lady

(iii) the certainty that the respondent No. 1 was a trustworthy and loyal Indian citizen. He further stated that he considered respondent No. 1 the only trustworthy and loyal Indian amongst all the Goans in Goa for that particular assignment as he knew respondent No. 1 since the time respondent No. 1 was a student in Bombay; that he did check up the antecedents of respondent No. 1 with reference to his parents, family background, his associates and career, before entrusting him with the top secret assignment; that this check up was done through the normal channel through the C.I.D. that he could not say whether the reports of the check up of the antecedents are available with the C.I.D.; that all that he could recollect at that moment was that there was no adverse report against respondent No. 1. In this regard I find that there is on record a report of the Police to say that the father and uncle of respondent No. 1 were holding pro-Indian views and that there was nothing adverse found against respondent No. 1. When Shri Bhandare asked Handoo how many persons he had considered for the top secret assignment before selecting respondent No. 1, he replied that he was not in a position to disclose that fact as he was under an oath of secrecy to the Intelligence Bureau of the Government of India. Shri Bhandare asked Handoo whether he could say about the amount of advance given to the respondent No. 1 before his departure on the top secret assignment from Goa and Handoo replied that he did not remember the amount and that the amount advanced was not in cheque but in cash and that he did not remember the currency or the denomination in which the advance was made. Shri Porus Mehta argues that a person could not be expected to remember such details after ten years. The question was asked from Handoo whether he had sent the instructions to respondent No. 1 in every country he visited during the period of the secret assignment. Handoo replied in the affirmative and stated that he was in contact with respondent No. 1 while he was abroad on that assignment and while he was visiting various countries. He stated that the assignment was interconnected with his visit to various countries; that the instructions given to respondent No. 1 prior to his departure from Goa were altered subsequently when respondent No. 1 was in London; that the assignment involved risk to the life of respondent No. 1 and that such risk was envisaged by him when respondent No. 1 was sent from Goa; that the order in which he was to visit the various countries was Pakistan, U.K., Portugal, Germany and Holland; that he was required to stay in each country. Handoo stated that he did not disclose to Joshi that he was sending respondent No. 1 on top secret assignment; that he "would not" know why the exit and re-entry permit mentioned only U.K. and Portugal. When he was asked when did he meet respondent No. 1 for the first time in connection with the top secret assignment he replied that it was sometime early March 1962 and that the meeting was at his instance. He stated that he did not recollect whether at that meeting any other discussion besides the secret assignment, had taken place and that the secret assignment as far as he remembered terminated late in 1963.

43. Evidence about the existence of the secret mission was also given by Shri B. R. Patel, I.A.S., Joint Secretary, Government of India, Ministry of Home Affairs. Patel is the Joint Secretary in charge of citizenship section and he exercises all the powers and functions of the Central Government under the Citizenship Act 1955 and the Rules framed thereunder. The written statement filed by the Government of India was sworn by him. He was duly authorised by the Union of India to file the written statement and to state what was written in it. Patel was examined on commission in Delhi. A certified copy of the written statement was produced before the Commissioner and shown to him. He identified the certified copy and the copy was taken on record and read as evidence by consent of both the parties. Patel was cross-examined by Shri Bhandare, counsel for the petitioner, regarding the statements made by him in the written statement and also regarding other evidence given by him. Patel stated that the Union of India have treated respondent No. 1 as a citizen of India from 20th December, 1961. In cross-examination he stated that the reason why it has been stated in paragraph 3 of the written statement of respondent No. 3 that the first respondent became a citizen of India on 20-12-1961 and is still a citizen of India is that he became a citizen of India under the Goa, Daman and Diu (Citizenship) Order 1962 and that the declaration that respondent No. 1 made under "the Order" was on the advice and at the instance of the then Special Adviser, Goa on behalf of the Government of India, for reasons connected with affairs of State and as such the said declaration (P. 3)

was not voluntarily made and had no effect on the status of the respondent No. 1 as an Indian citizen. Patel however added that the answer contained in the last sentence was given by him on the basis of the official records. He also stated that the written statement was based on records which were connected with affairs of State. He stated, based on the information derived from official records, that the declaration signed by the first respondent was on behalf of the third respondent, the Union of India. He stated that the advice given by the then Special Adviser, Goa, on behalf of the Government of India was given for reasons connected with affairs of State. Patel was asked by Shri Bhandare why respondent No. 1 was treated as a foreigner in certain letters and documents produced in court and the reply was that that was done to avoid any complications as the first respondent held a Portuguese passport for reasons connected with affairs of State and that the granting of residential permits were made on behalf of the third respondent with a view not to embarrass the first respondent. Shri Bhandare asked Patel whether it was only on the strength of the documents not produced that the Government holds that the declaration retaining Portuguese nationality was filed by respondent No. 1 on the advice and at the instance of the Special Adviser on behalf of the Government of India and Patel replied that it was on the strength of the records produced and not produced. The evidence of Patel which is based on the records not produced by him was challenged by Shri Bhandare. It seems to me that Shri Bhandare's objection must be upheld.

44. I have discussed the entire oral evidence regarding the secret mission and the fact as to whether P. 3 was signed by respondent No. 1 intentionally. The mission was secret and apart from respondent No. 1, Handoo and a few top Government officials, no one was in a position to know whether such mission had been assigned to respondent No. 1 or not. The existence of the mission was challenged by the petitioner not on concrete data or definite basis but on surmises. The case of the petitioner is that the oral evidence regarding the secret mission and the alleged lack of volition on the part of respondent No. 1 in signing P. 3, was full of absurdities and that there were also some contradiction. It cannot be gainsaid that there are minor contradictions but they are unimportant and somewhat natural. The existence of such contradictions rather strengthens the credibility of the testimony of the witnesses than weaken it. It is argued by the petitioner that the respondent No. 1 had many pro-Portuguese friends and pro-Portuguese leanings, that his sole aim in retaining Portuguese passport was to visit Portugal on account of his entanglement with a Portuguese lady and to look after his interests in Portugal, Angola and Mozambique; that at that time it was not possible for Goans holding Indian passport to enter Portugal. None of these contentions, however can be supported by the record. Apart from some vague opinion and surprise of some police officer there is nothing to show that respondent No. 1 had lands or other financial interests in Portugal or her colonies. Respondent No. 1 denied a suggestion made in that regard in the cross-examination. The petitioner contends that the secret mission was not at all mentioned in the written statement, and was for the first time mentioned in Court. Respondent No. 1 has explained that he stated this fact in the written statement in a guarded manner because the mission being secret he thought he would not be justified in disclosing it more clearly than he did and that he made a full disclosure about the existence of such mission when he found that Government of India themselves had disclosed the existence of the secret mission in the written statement filed by them. Respondent No. 1 did state in paragraph 4(b) and (c) that P. 3 was not a valid declaration in as much as he did not choose to retain his Portuguese nationality; that the declaration was made at the request of the then Special Officer, for reasons which had no connection whatever with any intention to retain Portuguese nationality or citizenship, or to lose Indian citizenship; that the only intention in making P. 3 was to retain the passport and not the Portuguese nationality or to renounce the Indian nationality; that the Special Officer knowing of this intention conveyed to respondent No. 1 that he could make the declaration P. 3. The petitioner states that the facts—that no special training was given to respondent No. 1 for sending him on secret assignment, his academic qualifications being only matriculation, that his age was only 23, that he was a freedom fighter who worked against the Portuguese before Liberation, that the exit and re-entry permit mentions only two countries and not others, that the secret mission was nowhere mentioned in the Gov-

ernment correspondence now before the Court, that the Government of Goa was not informed about the secret mission inspite of frantic inquiries and crash wireless messages regarding the issue of citizenship, that the assignment was mainly against Portugal and yet Portugal was not visited. That the expenses were shared by respondent No. 1 and Government though respondent No. 1 stated that the issue of sharing did not arise, that the Government paid respondent No. 1 in foreign currency in cash in Goa and was reimbursed in Indian currency, that the persons who handed over money to respondent No. 1 in foreign countries were not known to respondent No. 1, that persons in foreign countries who delivered messages to respondent No. 1 were connected with the secret work, that respondent No. 1 does not remember even a single name of the friends in Portugal, that respondent No. 1 admits that accounts were given to the Government but no copy was maintained; that the mission to all countries was secret, and that messages received from Portugal were delivered to respondent No. 1 in London by word of mouth; are facts that show that the alleged secret mission was absurd. I have considered all these facts which according to the petitioner indicate that the secret mission was an absurdity. It seems to me that the fact that respondent No. 1 had a Portuguese passport. This is definitely a pointer to the fact that respondent No. 1 was abroad on a secret errand given by the Government of India whose relations with Portugal were at that time extremely strained because of the recent Liberation of Goa. The petitioner contends that it would be absurd to send a freedom fighter on a secret mission. By advancing this agreement the petitioner admits that respondent No. 1 was freedom fighter and that also is the case of respondent No. 1. Handoo supports respondent No. 1 on this point. It appears to me quite logical that a freedom fighter whose allegiance to India could not be questioned and who had an ostensible reason to go to Portugal would be the most suitable person to go to Portugal on a Portuguese passport. His ostensible retention of Portuguese citizenship and passport would hoodwink the Portuguese. The petitioner's admission that respondent No. 1 and the Government were sharing the expenses of secret mission pre-supposes the existence of the secret mission and therefore the sharing of the expenses cannot render the secret mission absurd, but quite on the contrary it confirms that the mission existed. It came to light in the course of the cross-examination of respondent No. 1 that he had started building a Coca-Cola Factory in Goa even before he left Goa in April, 1962 and judging by the time the factory took to be built, it appears that the factory is of considerable size and a lot of investment was made in it by respondent No. 1. This fact indicates that the intention of respondent No. 1 was to continue to stay in Goa and such continuation of stay is in consonance with his case that he had no intention to lose his Indian citizenship. It is the case of the petitioner that the secret mission was concocted by respondent No. 1 and 3 acting in collusion, but the petitioner has by his application dated 29-7-1971 withdrawn all the allegations made against respondent No. 3 when he sought to drop this respondent. The petitioners cannot therefore be heard to say that there was a collusion between respondents 1 and 3.

45. In the light of the analysis I have made of the oral evidence on record regarding the secret mission and looking at the whole question on a broader perspective, the facts which according to the petitioner render the secret mission an absurdity assume almost negligible importance.

46. The power of Handoo to ask the respondent No. 1 to go on a secret mission and to retain his Portuguese passport was challenged by the petitioner. In this regard respondent No. 1 has stated in the course of his cross-examination that Handoo had told him that he was acting under Government instructions whenever he was giving instruction to respondent No. 1 regarding his passport and citizenship that he never had any reason to doubt the power of Handoo to give such instructions; that he has not ascertained from Handoo what was his power in regard to the retention of Portuguese passport or granting of Indian citizenship. Handoo has stated that from 1955 to 1958 he was an Officer on Special duty in the Ministry of External Affairs dealing with foreign

intelligence and security and also foreign security in relation to Goa; that from 1958 to 1960 he was posted as Commandant of the Central Police College at Mount Abu in the state of Rajasthan; that while he was in Mount Abu, he was given special charge of the files of Goan affairs to make a special study thereof as he was to take over as Additional Inspector General and Commandant of Border Security Force of Goa, Daman and Diu in November, 1960; that was the reason why he was intimately interested in Goan affairs; that in November, 1960 he was appointed Additional Inspector General of Police of Maharashtra and Commandant of Border Security Force of Goa, Daman and Diu; that he held this appointment from November, 1960 to December, 1961 when he was posted as Special Adviser to the Military Governor of Goa, Daman and Diu that he was competent to ask respondent No. 1 to retain his Portuguese passport and proceed on top secret mission; that he was appointed as Special Adviser to the Military Governor and latter on to the Lieutenant Governor by the Government of India who had issued an appointment order which contained his powers and functions. When Handoo was asked what he meant by the words, "I was competent to ask respondent No. 1 to retain his Portuguese passport and proceed on top secret assignment", he replied that he meant that he had the authority of the then Foreign Secretary in the Ministry of External Affairs of Government of India to suggest the retention of the Portuguese passport by the respondent No. 1 and give him the secret assignment on which he was later sent. He admitted that he did not have any written authority from the then Foreign Secretary, Shri M. G. Desai who is now dead. When he was asked whether he had anything to show that he had such authority, besides his word, Handoo replied that "he would not know". To a suggestion made to him that he had no authority to suggest to the respondent No. 1 to retain Portuguese passport and to proceed on top secret assignment he replied that the suggestion was completely incorrect. When he was asked whether he was officially appointed by the Government after November, 1962 in relation to the security of Goa, he replied that he was not holding any official position after November, 1962. An important piece of evidence that shows that Handoo had the power in regard to passport is P. 4. He accepted that letter which was addressed to him and endorsed therein a direction to the Special Officer M.E.A. who was in charge of passports and who complied with the direction of Handoo.

47. I have now to discuss the documentary evidence regarding the secret mission and the legal effect of P. 3. However, before I do that I would like to consider the documentary and oral evidence regarding the contention of the petitioner that the continued holding of the Portuguese passport by the respondent No. 1 after his return from abroad in October, 1962 indicates that the respondent No. 1 did not retain his Portuguese passport because of the secret mission, but because he wanted to retain his Portuguese citizenship to settle abroad.

48. It is true that in Exh. P. 12 respondent No. 1 stated that he wanted to remain in Goa for six months under his Portuguese passport as he was thinking of settling abroad. However, in the next sentence he stated that if at the end of that period he had decided to remain in India, it was his intention to give up his Portuguese passport. He also stated in P. 12 that he did not believe that it would be possible for him to do all the things that he intended doing if he had settled abroad, if he had carried an Indian passport. He further stated that if he had settled abroad, the work that he had in mind would involve travelling in Portugal, Angola and Mozambique. These statements, must be read in the context of the case of the respondent No. 1 and of the copious evidence in support of that case, a part of which I have already discussed.

49. P. 12 was the first statement respondent No. 1 made after his return from abroad for the purpose of obtaining a permit to stay in Goa. When he made another application on 5-4-1963 (P. 15) to extend his stay for a further period, he stated that his permanent address was in Campal, Panjim, Goa, that he had returned to be with his family and that the reasons for his extending his stay were for retaining Portuguese passport for one trip in October, his intention being to apply for an Indian passport on return. These statements are in consonance with the case of the respondent No. 1 that he continued to retain his Portuguese passport after he returned from abroad, under instructions from Handoo with a view to undertaking one more trip for the purpose of carrying out the secret mission. On the

statement P. 15, the Deputy Secretary, Home wrote to the Secretary to the Government of India, M.H.A., stating that respondent No. 1 intended to surrender his Portuguese passport after his return; that he was engaged in building a factory of cold shinks in Goa; that there was nothing adverse against him and that there was no objection in granting him stay up to October, 1963. On the 15th October, 1963, respondent No. 1 made another application for extension of stay in India (P. 22) stating therein that his permanent address was Campal, Panjim, Goa; that he had returned to be with his family; that he is retaining his passport for one trip originally planned for October and that his intention is to apply for Indian passport on his return. On 25-4-1964 the respondent No. 1 was given a notice by the Registration Officer to show cause why he should not be prosecuted for contravening the provisions of the Foreigners Act and Rules (P. 28). By Exh. P. 30 dated 29-4-1964 the Registration Officer warned respondent No. 1 that he could not continue to stay without registration. Inspite of these warnings respondent No. 1 was not prosecuted for reasons which apparently strengthen the case of the respondent No. 1 and his claim to Indian citizenship is not out of place.

50. The documentary evidence which I have considered above regarding the point raised by the petitioner on the basis of the retention by him of the Portuguese passport is in accordance with the oral evidence which I shall presently consider.

51. Respondent No. 1 has stated that whatever was done by him in connection with the holding of a Portuguese passport until 15-1-1964 or in connection with its use was done on instructions from Handoo on behalf of the Government of India; that when he returned from abroad in October, 1962 he had no personal reason for holding the Portuguese passport; that on Handoo's instructions he followed all formalities such as applying for residence permits and doing whatever was necessary for getting the permission renewed; that his statement dated 23-11-1962 made before the Police at Panjim was made because Handoo told him to take the position that he was uncertain as to whether he would remain in Goa or go abroad and also as to whether he should return the Portuguese passport in the event of his going abroad; that the idea was that he should take the position that if he had gone abroad he might retain his Portuguese passport; that the idea as conveyed to him by Handoo was that he should take the position that if he went abroad he might retain his Portuguese passport and that if he remained he would not retain Portuguese passport; that Handoo told him that this was the position that would enable him to get a residence permit here without attracting attention and at the same time would enable him to hold the Portuguese passport without attracting attention of the Portuguese Government. In his cross-examination he stated that the ostensible reason why he retained the Portuguese passport after his return was that he was undecided whether he would settle here or abroad, but that the real reason for his retaining the Portuguese passport was an assignment given to him in official confidence of which the details are in secret files of the Government; that the last instructions he took from Handoo were when he told him to return his passport on 15-1-1964; that he did not remember whether the instructions that he would be able to make a trip later and that he should continue to retain Portuguese passport and that he should comply with formalities and take due precautions, were given to him in his first or second visit to Handoo after his return from abroad; that the written part of the instructions regarding the mission was given at one sitting; that the oral part of the instructions was given in two sittings; that he did not remember when the advice to continue to retain the Portuguese passport, complying with formalities and taking due precaution was given to him by Handoo that he did not remember whether they were given to him at the first or the second meeting; that the advice was given to him in one of these two meetings; that thereafter Handoo never advised him to go to Portugal; that whatever applications he made after he came to Goa were made for complying with the formalities and keeping up the pretence that he was a Portuguese citizen.

52. On the question that I am presently discussing the testimony of Handoo is that under instructions from him, respondent No. 1, on his return from abroad, contacted him at Panjim; that he instructed respondent No. 1 to retain his Portuguese passport till such time as he had decided to use him again or ask him to relinquish it that respondent No. 1

retained his Portuguese passport till such time as he asked him to relinquish it; that he asked him to relinquish it sometime in December, 1963 or January 1964. that he asked respondent No. 1 to retain his Portuguese passport in order that he could comply with the assignment that was given to him; that respondent No. 1 applied for a residence permit after his return from abroad in 1962 under his instructions as he desired that respondent No. 1 should retain his Portuguese passport. In his cross-examination he was asked by Shri Bhandare why the formality of applying for residential permit by respondent No. 1 was necessary after his return to Goa and he replied that it was necessary to guard the top secret assignment that he was on. He was again asked by Shri Bhandare whether he remained on top secret mission after his return from abroad and the reply was in the affirmative. Shri Bhandare again asked Handoo why was respondent No. 1 required to keep a Portuguese passport after his return to Goa and the answer was that it was to guard the top secret assignment against disclosure.

53 I have considered the entire evidence on record and the demeanour of the respondent No. 1 in the witness box. His clear, unhesitating and firm answers have impressed me as to their truthfulness. He was subjected to a lengthy and searching cross-examination which lasted for 11 days and this afforded respondent No. 1 an opportunity of giving minute details about his activities whilst performing the secret mission which details were not controverted. Instead of weakening the evidentiary value of his testimony the cross-examination fortified it. It is on record that the father and uncle of the respondent No. 1 hold pro-Indian views. That respondent No. 1 comes from well-to-do-families and that there was nothing found against him by the investigation made by the C. B. I. He is a member of the House of the People for over 5 years. I see therefore no reason why his testimony should not be accepted.

54. As for shri G. K. Handoo, I find that he is a completely independent witness. He was occupying high position under the Government of India and was entrusted with the very responsible assignment of advising the Military Governor and the Lieutenant Governor in the critical days that succeeded the Liberation of Goa, Daman and Diu from Portuguese domination, on special matters, which obviously included political and other important affairs. A person who had been worthy of such trust on the part of the Government of India is to my mind worthy of full credit.

55. It appears to me that the evidence up to now discussed was by itself sufficient to fully support the case of respondent No. 1. There are, however, on record documents of extremely great evidentiary value which I shall proceed to consider.

56. The first relevant documents is Exh. P. 4. in view of its importance it would be convenient to reproduce it here:—

CAMPAJ
PANJIM
27th April, 1962

CONFIDENTIAL

MR. G. K. HANDOO
SPECIAL ADVISER
GOA.
DFAAR MR. HANDOO :

Confirming my call on you this morning, I, as agreed, write to advise you that I wish to retain my Portuguese passport No. 703/58 issued at Goa for the present to enable me to visit Portugal and see a very personal friend on a highly personal reason. I request that permission be granted for me to leave India on this passport, and would appreciate a re-entry permit valid for six months being granted at the same time. I am, as advised by you registering my passport at the Police, and I shall be seeing you to hand over this latter immediately after.

With compliments,

Yours sincerely,
Frasmo de Sequeira

No. SA/76/62
dated 30-4-1962

Please see, I had spoken to you about this. The applicant has to go back to Portugal with reference to his entanglement with a white Portuguese lady and has to finally settle their domestic issue and return. He will then take over an Indian passport which could be issued as he will renounce Portuguese Nationality. Please issue him a re-entry permit as desired at 'A' above.

Sd/- Illegible,
28-4-.

The main contention around P. 4 is that it was written by respondent No. 1 not to record down an agreement with Handoo regarding the retention of the Portuguese passport, as contended by respondent No. 1, but for the purpose of obtaining a re-entry permit. Shri Bhandare argues that the words "as agreed" do not relate to the retention of the Portuguese passport but to the obtaining of a re-entry permit. However, a plain reading of the letter does not support the argument of Shri Bhandare. It is evident from the letter that respondent No. 1 called on Handoo in the morning of the day on which the letter was written and that there was some agreement between them. The re-entry permit was formally being issued by the Special Officer M. E. A. though, as it appears from the letter, instruction for that purpose were ordinarily given by Handoo. If the call in the morning and the agreement that took place at that time was about the re-entry permit, there was no need whatsoever to record the fact that an agreement had taken place between the respondent No. 1 and Handoo. Neither was it necessary that an agreement should be entered into for the purpose of obtaining a re-entry permit. A request would suffice, and Handoo could on such request, even if it were merely oral, issue instructions, written or even oral, to the special Officer to grant a re-entry permit to respondent No. 1. Neither can it be said that the retention of the Portuguese passport by respondent No. 1 had to be informed to Handoo for the purpose of obtaining a re-entry permit or otherwise. A person holding an Indian passport does not require a re-entry permit and the fact that the re-entry permit was asked for indicates that the respondent No. 1 was holding a foreign passport and intended to travel on it. In view of these facts, holding a foreign passport and intenden to travel on it. In view of these facts, and of the fact that respondent No. 1 had at the outset placed on record in P. 4 the fact that he had a meeting with Handoo in the morning of 27-4-1962, the agreement referred to in P. 4 appears to me an agreement to retain the Portuguese passport. It is true that the respondent No. 1 states in P. 4 that the Portuguese passport is retained to enable him to vist Portugal and see a very personal friend for personal reasons, but this fact is easily explained if the existence of the assignment to respondent No. 1 of a top secret mission is accepted. As it appears from the record, the ostensible reason for retention of the Portuguese passport was the visit of respondent No. 1 to Portugal to see a personal friend of his. Respondent no. 1 also stated in the letter that he was registering his passport at the Police on the advice of Handoo. This fact was admitted by Shri Bhandare whilst cross-examining Handoo. P. 4 ends with the following statement: "I shall be seeing you to hand over this letter immediately after". It is unusual for a person to state in a letter that he would be seeing the addressee of a letter to hand over the letter. It appears from this latter fact that the handing over of the letter was also part of a deal entered into between Handoo and the respondent No. 1 and that the letter was written for placing down on record the existence of such deal, in order not to jeopardize the claim of respondent No. 1 to Indian citizenship. As we have seen, the oral evidence in this regard, given by both, the respondent No. 1 and Handoo is that the draft of the letter P. 4 was given by Handoo and the letter was written on his instructions and that the purpose of the letter was to safeguard the citizenship rights of respondent No. 1. If the intention of the respondent No. 1 had been to retain his Portuguese passport and to register it, there would be no need to place on record that the passport was being retained and that its registration was being done. In the note written below the letter, by Handoo and addressed to the Special Officer, Handoo states that he had spoken to the Special Officer about the letter and that the respondent no. 1 would on his return take over an Indian

passport which could be issued as he would renounce Portuguese nationality. These observations made in the note indicate that the agreement and the advice referred to in the letter had some connection with the retention of Indian nationality by respondent no. 1 and the acquisition by him of an Indian passport. It was urged before me by shri Bhandare that in his note Handoo speaks about the renunciation of the Portuguese nationality by respondent no. 1 and that Handoo has stated in his cross-examination that the purpose of writing the note was exactly as had been indicated in the note and that therefore the utmost that can be said about P. 4 is that respondent no. 1 and Handoo agreed that respondent no. 1 should retain his Portuguese nationality and passport and thereafter renounce his Portuguese nationality and acquire Indian nationality. In the course of his cross-examination respondent no. 1 had stated that the remark of Handoo in P. 4 that he would renounce his Portuguese nationality was not correct. He also repeatedly stated throughout his deposition that he had never applied to obtain Indian citizenship and that he has all along claimed to have Indian citizenship. The petitioner himself never challenged this position. Quite on the contrary he stated that the Government of India granted to the respondent no. 1 two Indian passports and two Indian Diplomatic passports without the respondent no. 1 making any application for renouncing Portuguese citizenship or obtaining Indian citizenship. It must also be remembered that Handoo had stated in his deposition that the Special Officer was not informed about the secret mission. In his note addressed to the Special Officer he stated that an Indian passport could be issued to the respondent no. 1 on his return. Presumably because of the agreement that transpires from P. 4 Handoo had to give some ostensible reason why an Indian passport should be issued to respondent no. 1 on his return and this appears to be the reason why he informed the Special Officer that respondent no. 1 would renounce his Portuguese nationality. He could not inform the Special Officer that the retention of the Portuguese passport by respondent no. 1 was fake, since he had not taken the Special Officer into confidence regarding the secret mission. Handoo had therefore to inform the Special Officer that Indian passport could be given to respondent no. 1 on his return "as he would renounce his Portuguese Nationality". It is pertinent to note in this regard that Handoo stated in his evidence that "his intention to issue the instructions contained in the note was to make quite sure that respondent no. 1 and his Indian Citizenship rights should in no way be jeopardized." P. 4 has to be considered alongwith the other evidence on record, oral as well as documentary and not isolatedly. If so considered, the fact that Handoo mentioned in his note that the respondent no. 1 would renounce his Portuguese nationality is not so important as the fact that he mentioned in his note that the respondent no. 1 could take over an Indian passport on his return.

57. The animus revertend of the respondent no. 1 can easily be seen through the contents of P. 4 the various applications he made to continue his stay in India, his refusal to leave this country inspite of threats of prosecution, the construction of a large factory in Goa, the holding of Indian citizenship by the other members of his family, etc.

58. Exh. P. 5 is the exit and re-entry permit. It appears from this exhibit that the permit was given as a special case and it is argued on behalf of respondent no. 1 that the fact that he was treated as a special case gives some indication in the context of things, that the claim of respondent no. 1 to Indian citizenship was not out of place.

59. Exh. R. 6 is the letter dated 18-1-1963 written by respondent no. 1 to the Special Officer informing him that he was retaining his Portuguese passport notwithstanding the insertion of Clause 3A in Schedule III to "the Rules" and that information was being given to the Special Officer to enable respondent no. 1 to obtain his Indian passport in due course. It is evident from this exhibit that respondent no. 1 reiterates his claim to Indian passport and consequently to Indian citizenship and that respondent No. 1 did not feel that application for Indian citizenship and passport as necessary.

60. Exh. P. 31 is the letter which respondent no. 1 wrote to the Special Officer, when he was asked by the Registration Officer to get himself registered as a foreigner and was threatened with being prosecuted for want of such registration. In P. 31 respondent no. 1 states that he would

appreciate that the Special Officer should advise the Registration Officer "that respondent no. 1 was an Indian citizen" so that the matter might be cleared up as for his registration as a foreigner was concerned.

61. In Exh. P. 33 respondent no. 1 requests the Under Secretary, Home, who was then also the Special Officer to arrange for his "claim to Indian citizenship to be accepted" as early as possible. On receipt of P. 33 the Special Officer referred the matter to the S. S. P. for investigation. The S. S. P. recorded down the statement of respondent no. 1 and thereafter wrote (P.38) to the Special Officer to say that there seemed to be no objection to grant Indian citizenship to respondent no. 1 On the 24th August, 1964 the Chief Secretary by his letter (Exh. P. 39) wrote to the Under Secretary, Government of India and solicited instructions as to whether respondent no. 1 could be considered "to have become an Indian citizen" immediately after the surrender of his passport without undergoing the process of registration etc. required "the Rules". The Under Secretary, Government of India by his letter dated the 2nd December, 1964 (Exh. P. 40) replied to the Chief Secretary to say that he was directed to state that on the information furnished by the Chief Secretary there is no objection to respondent no. 1 "being treated as an Indian citizen under "the Order". "On the basis of P. 40 which was written by the Under Secretary, Government of India, under directions, which in ordinary course must be presumed to have been given by an Officer of the Government of India authorised to give such directions, the Under Secretary of the Goa Government informed respondent no. 1 with reference to his request, that his "claim to Indian citizenship" be accepted, that he was directed to state that the respondent no. 1 had *prima facie* become a citizen of India, by virtue of "the Order". A copy of this letter (Exh. P. 41) of the Under Secretary of the Goa Government dated the 15th December, 1964, was sent to the S. S. P. in reply to P. 38, with a request to cancel the registration of respondent no. 1 as a foreigner, in view of the Government instructions "to treat him as a citizen of India".

62. On the 23rd February, 1965, the Government of Goa, Daman and Diu issued to the respondent no. 1 a passport bearing no. 176798 (Exh. R.1).

63. These five documents, namely Exhs. P. 31, 33, 39, 40 and 41 require no comments. They speak volumes and are clear evidence that the Government of India had always held that respondent no. 1 never ceased to be an Indian national. P. 41 whereby the Government of India certifies that *prima facie* respondent no. 1 became a citizen of India by virtue of "the Order" and the passport R.1 were issued by the Government of India after the respondent no. 1 signed the declaration P. 3 renewed his passport in London in 1962 and continued to hold it after 19th January, 1963, notwithstanding Clause 3A inserted in Schedule III to "the Rules." This obviously shows that Government of India had very good reasons to bypass these three facts and in the absence of any suggestion made or justification given by the petitioner as to the reasons why Government of India acted in that manner, I am bound to accept the only plausible explanation given by the respondent no. 1 that all the aforesaid documents were signed and certificates issued because respondent no. 1 had signed P. 3 involuntarily for the sole purpose of carrying out the secret mission regarding affairs of State. I have to conclude that the Government of India was aware that respondent no. 1 wanted to maintain his Indian citizenship, and that he signed P. 3 unintentionally, at the request of Handoo acting on behalf of the Government for the purpose of going abroad in connection with affairs of State.

64. It is contended by Shri Bhandare that when P. 41 was issued to respondent no. 1 the Government of India was not aware that respondent no. 1 had signed P. 3 because the Government of Goa had, in collusion with respondent no. 1, suppressed from the Government of India, the fact that P. 3 had been signed by respondent no. 1. This argument based on collusion has to be rejected because the petitioner has withdrawn all the allegations made against respondent no. 3 i.e. "the Union of India by the Administrator of the Union Territory of Goa, Daman and Diu" Under Section 3(a) of the General Clauses Act, the Central Government, in relation to the administration of a Union Territory, includes the Administrator thereof and this is the reason why the petitioner has referred to the respondent no.

3 as "Union of India, by the Administrator of the Union Territory of Goa, Daman and Diu". The withdrawal of the allegations regarding collusion against the respondent no. 3 includes such withdrawal against the Administration of Goa, Daman and Diu. In paragraph 3(n) of his petition states that P. 41 was, to the knowledge of the third respondent, false and erroneous and contrary to the documentary evidence in their possession. The expression "erroneous and contrary to the documentary evidence in their possession" might have been used by the petitioner to express the fact that P. 41 was issued inspite of the knowledge of the respondent no. 3 that respondent no. 1 had renewed his Portuguese passport in London and had continued to retain it beyond 19th January, 1963, inspite of Clause 3 A of the Schedule III to "the Rules". But the word "false" used in paragraph 3(n) appears to indicate that respondent no. 3 had also the knowledge that P. 3 had been signed by respondent no. 1. In fact, respondent no. 3 ought to have and indeed had the knowledge that P. 3 had been signed by respondent no. 1. I say so because the respondent no. 3 knew that respondent no. 1 had left India on a Portuguese passport and had renewed it in London in 1962. A Portuguese national could hold at that time a Portuguese passport without signing a declaration like P. 3, but he had necessarily to sign such a declaration if he were to "travel" on such passport. Respondent no. 3 therefore had constructive knowledge not only that respondent no. 1 had signed P. 3, but that he had registered his Portuguese passport with the registration Officer and had also registered himself as a Portuguese national. I say that respondent no. 3 in fact had the knowledge that respondent no. 1 had signed P. 3, because when in 1969 the Goa Administration re-raised the subject of the citizenship of respondent No. 1, the Goa Administration informed Government of India that P. 3 had been signed by respondent No. 1 and yet, Govt. of India reiterated the stand that respondent No. 1 was a citizen of India by virtue of "the Order". Besides, the petitioner has averred in paragraph 3(n) of his petition that the Administration of Goa, Daman and Diu having "knowledge" that respondent No. 1 had signed P. 3, had, for reasons best known to the Administration, issued P. 41 to respondent no. 1. Now, the Administration of Goa, Daman and Diu is a part of the Central Government and is included in it. Therefore the "knowledge" of the Administration amounts to the "knowledge" of the Central Government and the Central Government is deemed to have had "knowledge" that P. 3 was signed by respondent no. 1. What I said about the word "knowledge" in paragraph 3(n) applies to the expression "for reasons best known to them" occurring in the said paragraph. The petitioner is correct when he says that P. 41 was issued to respondent no. 1 for reasons best known to them i.e. to the Goa Administration and therefore to the Central Government.

65. It is argued by Shri Bhandare that from P. 40 it can safely be inferred that P. 41 was issued from information furnished to the Government of India by letter P. 39 and that P. 39 makes no reference to P. 3. In view of what I have already stated this argument does not survive. For similar reasons and because the fact of mis-representation is not alleged in the petition, I have also to reject the contention that P. 41 was obtained by mis-representation.

66. In 1969 the question of the citizenship of respondent no. 1 was revived. A wireless message (P. 43) was sent on 3-7-1969 by the Chief Secretary to the Additional Secretary, Government of India, M.H.A., stating that respondent no. 1 had made the declaration P. 3. The wireless message was followed on the next day by a most immediate letter (Exh. P. 44) forwarding a long note regarding the citizenship of respondent no. 1, a photostat copy of P. 3 and a copy of the wireless message. Significantly enough P. 4 which, Shri Bhandare admits, ought to have been in the same file in which P. 3 and other papers regarding the citizenship of respondent no. 1 were kept, was not sent along with P. 44. P. 4 was not sent until it was called for by the Government of India. On 26-7-1970 the Joint Secretary, Government of India, M.H.A., wrote a letter (Exh. P. 52) to respondent no. 1 stating that with reference to the correspondence about the "claim of Indian citizenship" by respondent no. 1, the matter had been reconsidered by the Government and that it had been decided that the matter should be treated as closed. On 27-7-1970 respondent no. 1 wrote to the Joint Secretary, Government of India, a letter (Exh. P. 53) stating that while the Government of India had continued to accept

him as a citizen of India and had closed the matter, it was possible that the question may be raised sometime in future and that, therefore, he requested that the citizenship certificate under Section 13 of "the Act" be issued to him. On 27-7-1970 the Joint Secretary replied to respondent no. 1 that since the Goa Administration had already informed him by P. 41 that he had *prima facie* become a citizen of India by virtue of "the order", the necessity of a certificate actions and that at that time another Diplomatic passport under section 13 did not arise. On 24-10-1970 whilst the question of the citizenship of respondent no. 1 was being agitated anew by the Government of Goa, the Goa Government issued to respondent no. 1 an Indian passport bearing no. 935474 (Exh. R. 2). On 17-8-1971 the Government of India issued to respondent no. 1 an Indian Diplomatic bearing no. D 011096 and the respondent no. 1 has stated in his deposition that in December, 1971 he was asked by the Government during the war to stand by to go to the United Nations and that at that time another Diplomatic passport was issued to him which he did not collect because it did not become necessary to go.

67. No explanation was given by the petitioner as to why Exhibits P. 52, P. 53 and R. 3, were issued except that the Government of India was in collusion with respondent no. 1 and that these exhibits P. 52 and R. 3 were issued in contravention to the provisions of law. I accept the argument of respondent no. 1 that P. 52 and R. 3 were issued for the same reasons for which P. 40 and P. 41 were issued, which reasons I have already mentioned above.

68. It is further contended by Shri Bhandare that the fact that respondent no. 1 signed P. 3 because of the secret mission does not imply that P. 3 was not signed by respondent no. 1 voluntarily. Shri Bhandare argues that the respondent no. 1 willingly accepted the secret mission and was even prepared to sacrifice his life and that, therefore, respondent no. 1 must be presumed to have also been prepared to sacrifice his Indian citizenship. It is argued by Shri Bhandare that even if there was an understanding between the Government of India and respondent no. 1 regarding the secret mission and the signing of P. 3, such an understanding is not sufficient to nullify the effect of P. 3 and that the Government cannot consider respondent no. 1 a citizen of India by bypassing the requirements of "the Act", even if they were instrumental in making respondent no. 1 sign P. 3. Shri Bhandare states that by signing P. 3 a certain legal situation was created by respondent No. 1 and that that situation can be corrected only by following the provisions of "the Act" and not by circumventing them; and that the only course open to the Government of India, in view of P. 3, was to grant to the respondent no. 1 citizenship under one of the ways provided by Section 3 to 6 of "the Act".

69. I have already considered both these points in a different context. The argument that, since respondent no. 1 was prepared to sacrifice his life, he must be presumed to have also been prepared to sacrifice his Indian citizenship does not appeal to me. Besides, the assumption of Shri Bhandare that respondent no. 1 was sacrificing his Indian citizenship whilst signing P. 3 indicates that the loss of Indian citizenship was a sacrifice for respondent no. 1. A sacrifice is a thing done by some contrary to his liking. This implies that the loss of Indian citizenship and therefore the retention of Portuguese citizenship was not palatable to respondent no. 1. There is a fallacy in the argument of Shri Bhandare, because as far as life was concerned he was "prepared" to sacrifice it, i.e., he was taking the risk to his life, but as far as Indian citizenship was concerned there was no question of his being prepared to lose it or taking any risk about losing it. The question was not contingent upon the happening of any future event, but it was a question of respondent No. 1 losing it outright. When respondent No. 1 agreed to go abroad on the secret mission, he accepted the risk of losing his life, whereas when he signed P. 3 he would forthwith be losing his Indian citizenship, if the signing of P. 3 under such contingency was to have the legal effect that Shri Bhandare argues, it should have. A person who was prepared to sacrifice his life on account of his country would not voluntarily do an act which involved the loss of the citizenship of his country. It would therefore, be illogical to say that even if that person had done an act an involuntarily the legal consequence of the act should follow. In 'Md. Ayub Khan v. Commissioner of Police, Madras and Others' AIR 1965 SCC. 1623 the appellant Ayub Khan petitioner the High Court of Madras for a writ of mandamus

restraining the Commissioner of Police, Madras, from taking action pursuant to the order of the Government of Madras and from interfering with the appellant's rights as a citizen of India. The appellant claimed that he had acquired the status of an Indian citizen from the commencement of the Constitution. He was served with a notice informing him that as he had obtained a Pakistani passport he should leave India. He applied to the Central Government for affording him an opportunity to prove that he had not lost his Indian citizenship. His application was dismissed, without affording him an opportunity. The High Court held that the appellant "had in fact made a declaration on the basis of which the passport was obtained and the allegations made by him did not even imply that he was forced to make a false declaration". In the view of High Court Section 9 lays an objective test and when the individual had brought himself within it, the law determines the legal consequences of the situation independently of his intent or understand and there was no scope for an inquiry of the nature claimed by the appellant. Paragraph 3 of the Schedule to the Citizenship Rules raises a conclusive presumption that a citizen of India who has obtained a passport from a foreign country on any date, has before that date voluntarily acquired citizenship of that other country. By the application of the rule in paragraph 3 the authority must regard the obtaining of a foreign passport on a particular date as conclusive proof that the Indian citizen had voluntarily acquired citizenship of any country before that date. (Ayub Khan obtained his passport on the strength of a declaration). The Supreme Court observed that obtaining of a passport of a foreign country cannot in all cases merely mean receiving the passport; that if the plea is raised by the citizen that he had not voluntarily obtained the passport the citizen must be afforded an opportunity to prove that fact; that a case must be visualized in which on account of fraud or mis-representation he may be induced without any intention of renunciation of his Indian citizenship, to obtain a passport from a foreign country; that it would be difficult to say that such a passport is one which has been obtained within the meaning of paragraph 3 of Schedule III and that a conclusive presumption must arise that he has acquired voluntarily citizenship of that country. The High Court in appeal was of the view that Section 9 laid down an objective test and once it was found that the passport was obtained in fact by an Indian citizen from another country, the law determined the legal consequences of that conduct and no question of his "intention or understanding" arose. The Supreme Court disagreed with this view. According to the Supreme Court if voluntary acquisition of the citizenship of another country determined Indian citizenship within the meaning of Section 9 of Sub-section (1) and by virtue of paragraph 3 of Schedule III to the citizenship Rules the conclusive presumption voluntary acquisition is to be raised from the obtaining of a passport from the Government of any other country, it would be implicit that the obtaining of a passport was the result of the exercise of free volition by the citizen. This view, the Supreme Court held, is strengthened by the scheme of Section 9(2) read with Rule 30 which contemplates an inquiry by an authority prescribed under Sub-section (2) for determination of the question whether citizenship of another country has been acquired by an Indian citizen. The Court therefore held that the obtaining of a passport was not the implicit result of the exercise of free volition by a citizen and the appeal was therefore allowed. The other case that meets the contention of Shri Bhandare is "K. L. Modi v. Union of India" AIR 1970 Delhi 76." Modi, the writ petitioner in that case, was an Indian citizen doing business in Singapore. In 1959 the political situation in Singapore was such that Modi had either to leave Singapore leaving his entire property and interests there unattended and return to India or to acquire Singapore citizenship. Compelled by these adverse circumstances, according to Modi's averment, he involuntarily acquired the citizenship of Singapore, but he never relinquished Indian citizenship, nor had he the intention to do so. Throughout his stay in Singapore he had animus revertendi in relation to India which continued to be his home. In 1959 Modi wanted to come to India to stay here for sometime with his family members, but he was told that, by virtue of his Singapore citizenship, he could not leave Singapore without obtaining a Singapore passport, with the result that he was compelled to obtain a Singapore passport. The averment that the obtaining of the foreign passport in question was involuntary was denied. When he came to India on 4th March, 1967 he was detained and deported without any reasons being assigned. The case of the Government was that on Modi's getting himself registered as a citizen of Singapore, he ceased to be an Indian

citizen by virtue of Section 9(1) of the Act; that the fact that Modi still held a Malaysian passport supports the plea that Modi had relinquished Indian citizenship; that the Indian citizenship automatically terminated under Section 9(1) of the Citizenship Act the moment Modi acquired Singapore citizenship by registration; that the fact that the petitioner visited India on several occasions is irrelevant because a foreigner can also visit India on a valid passport. Modi relied on AIR 1965 S.C., which I have just now considered, 'Government of Andhra Pradesh v. Sayed Md. Khan' AIR 1962 SC 1778 was also relied upon. A similar contention was raised by the Government in AIR 1962 S.C., that as soon as it is shown that person has acquired a passport from a foreign Government his citizenship of India automatically comes to an end and that in such a case it is not necessary that the Government should hold an inquiry and make finding. (It must be remembered that a passport cannot be obtained unless a person is a citizen of the country of which the passport was issued.). The Supreme Court negatived these contentions and opined that they were clearly misconceived. Therefore in Modi's case the Delhi High Court held that the acquisition by a person of a foreign passport did not permit the Government to come to the conclusion that the person was a foreign citizen without making an inquiry whether the foreign citizenship was acquired voluntarily, when the plea that it was acquired involuntarily, was raised by the person. I have already discussed how the secret mission has affected the volition of respondent no. 1 in signing P. 3 and I have held that the existence of the secret mission was a compelling factor which rendered the signing of P. 3 involuntarily. The question of by passing the provisions of law by Government, alleged by Shri Bhandare, and of a certain legal situation being created on account of P. 3, does not arise. As I have already decided in the earlier part of my judgement, P. 3 is deemed to have no legal effect at all and to create no legal situation; if it is accepted that Government was instrumental in making respondent no. 1 sign P. 3 on account of the secret mission. If P. 3 does not in law exist, no provisions of law can be said to have been passed by Government whilst issuing P. 41, P. 52 and R. 3.

70. The case of the petitioner is that when there was a split in the congress in 1969 and the members of the Parliament were divided, the Ruling Party was not in absolute majority after the split and therefore the support of respondent no. 1 was sought; that respondent no. 1 was in the beginning reluctant give his support to the Congress Party because the policies of the United Goans were close to that of the Swatantra Party; that because respondent no. 1 was reluctant to give his support P. 3 was shown to him and he had to agree to support the Ruling Party; that thereafter he continued to vote with the Ruling Party; that an electoral alliance for elections of the Assembly between the U.G. Party, to which respondent no. 1 belonged, and the Ruling Party was entered into because the Ruling Party brought pressure to bear upon the respondent no. 1 by threatening to expose the nationality of respondent No. 1. The facts constituting the case of the petitioner were put to the respondent no. 1 in the course of cross-examination and they were outright denied. Respondent No. 1 answered that he voted for President Giri because President Giri himself had telephoned to him and that after 1969 and upto the date of his deposition he had sometimes voted against the Ruling Party. There is nothing else on record to substantiate this case of the petitioner. Besides this case no other case was sought to be made out. It was not suggested that Exhs. 52 and R. 3 were issued because of the support of respondent no. 1 to the Ruling Party or because of the electoral alliance.

71. My conclusion is that P. 40, P. 41, P. 52 and R. 3 support the case of the respondent no. 1 and that he signed P. 3 without volition on account of the secret mission.

72. The evidence and the points up to now discussed settle the question that respondent no. 1 is a citizen under "the Order".

73. Shri Porus Mehta argues that in fact and in law P. 41 read with P. 52 is a citizenship certificate under section 13 of "the Act". The main objection to this argument, raised by the petitioner, is that P. 41 was not signed by a Secretary or a Joint Secretary to the Central Government as required by "the Act"; that there was no certificate issued in accordance with the form prescribed by the Schedule to "the Rules"; that P. 41 was an opinion based on purposeful suppression of facts; that the Goa Government had no

powers in the matter of nationality; that even if the Goa Government had powers, P. 41, was not issued in exercise of those powers and that P. 41 does not mention that it was issued under the powers conferred by Section 13 of "the Act".

74. Respondent no. 1 never applied for Indian citizenship. He claimed it as of right. This claim was repeatedly made in various documents of which P. 25, 31 and P. 33 are the latest. In these three documents made in the first half of the year 1964 the respondent no. 1 requested the Government to formally accept his claim. By the letter P. 40 the Under Secretary, Government of India, wrote to the Chief Secretary that he was directed to say that there was no objection to respondent no. 1 being treated as a citizen of India under "the Order". It is to be presumed that in the normal course the direction given to the Under Secretary must have been given by an officer of the Government of India authorised to give such direction. The direction was of the nature of a citizenship certificate. Pursuant to P. 40 the Goa Government issued the document P. 41, wherein it is stated by the Under Secretary who signed it that he was directed to say that respondent no. 1 had *prima facie* become a citizen of India by virtue of "the Order". In Exh. P. 52 the Joint Secretary, Government of India, stated that the matter of the Indian citizenship of respondent no. 1 has been considered by the Government in the light of his representation and that it has been decided that the matter should be treated as closed. In Exh. R. 3 the Joint Secretary to the Government of India states that since the Goa Administration had by Exh. P. 41 already informed the respondent no. 1 that he had *prima facie* become a citizen of India by virtue of "the Order" the necessity of a certificate under Section 13 does not arise.

75. Shri Porus Mehta argues that the cumulative effect of all these documents is the issue of a citizenship certificate under Section 13. I am inclined to accept this argument. Even if the contention that P. 41 was not a certificate under Section 13 of "the Act", in as much as a Joint Secretary to the Government of India has by Exh. R. 3 endorsed the declaration made in P. 41, P. 41 and R. 3 read together must be deemed to be in substance a certificate under Section 13. The arguments of Shri Bhandare that the Goa Government had no powers to issue a certificate and that even if they had powers they did not use them, does not survive because P. 41 must be read together with P. 52. The rest of the contentions of Shri Bhandare relate to the form. In this regard Shri Porus Mehta relies on 'Gorhandas Purshottamdas Sonawala and Another vs. the Eastern Cotton Company' 1959 SCR 346. In that case, under Section 8(1) of the Bombay Cotton Contracts Act any contract which was not in accordance with the by-laws of any recognized cotton association was void. The blanks in the official contract from, relating to measurements and differences above and below the settlement rates were not filled in. The validity of the contract was challenged. It was held that in the circumstances of the case the official contract form had to be filled in so far as it was practicable and that the omission to fill in the blanks in the contract notes did not spell any departure from an essential or a characteristic part of the contract form and that consequently the legal effect of the contracts was not in any manner changed so as to render the contracts void as not being in accordance with the Bombay Cotton Contracts Act. It appears to me that in the present case also form VI made under Rule 27 of "the Rules" was in its essence adhered to and the legal effect of Exh. P. 41 and R. 3 is not affected. Strict compliance with technicalities should not be required in view of the well accepted principle that an election should ordinarily be upheld and not easily upset.

76. Respondent no. 1 is a citizen of India under "the Order" in view of the fact that no valid declaration was made by him under the proviso to Clause 2 of "the Order". Until 19th January, 1963 there was no bar to an Indian citizen holding a Portuguese passport. Therefore his renewal of the Portuguese passport in London in 1962 does not imply loss of Indian citizenship. His continuation of holding a Portuguese passport after 19th January 1963 might amount to the loss of Indian citizenship had it not been for the compelling reasons which led him to maintain it. The question of loss of Indian citizenship would have to be decided by the Government in view of the provisions of Section 9(2) of "the Act". However, in view of the various documents on record which I have discussed at length, the decision of

the Government of India in this regard must be deemed to have been given. I need not therefore refer the question of loss of Indian citizenship to the Government in the present case.

77. I have considered the case of the parties in all its aspects, I discussed the evidence in its minutest details, I have carefully applied my mind to it and I come to the conclusion that the respondent no. 1 was at the material time and continues to be an Indian citizen and was therefore not disqualified to be chosen as a member of the Lok Sabha in March, 1971. In the circumstances the election petition fails.

ORDER

The election petition is dismissed. There shall be no order as to costs.

TITO MENEZES,
Judicial Commissioner.
Dated : 16th March, 1973.
[No. 82/Goa-HIP/1/71]
B. N. BHARDWAJ, Under Secy.

भारत निर्वाचन आयोग

आवेदन

नई विल्सनी, 11 मई, 1973

का. आ. 1666.—यस: निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1972 में हाए परिचमी बंगल विधान सभा के लिए निर्वाचन के लिए 119-नईहटी निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री भोलानाथ भार, राय ए. टी. घोष, बहादुर रोड, छाकखाना गरीफा, जिला 24-परगना, परिचमी बंगल, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपीक्षित अपने निर्वाचन व्यायों का कोई भी संखा दाखिल करने में असफल रहे हैं;

आरे वरा; उक्त उम्मीदवार ने, उस सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्ट-करण नहीं दिया है, आरे, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायीचत्व नहीं है,

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री भोलानाथ भर वंश संसद के किसी भी सदन के या किसी शज्ज की विधान-सभा अथवा विधान परिषद के सम्बन्ध चूने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरीहत घोषित करता है।

[सं. प. अ. -वि. स./119/72(62)]

ORDER

New Delhi, the 11th May, 1973

S.O. 1666.—Whereas the Election Commission is satisfied that Shri Bholanath Bhar, Raj A. T. Ghosh, Bahadur Road, P.O. Garifa, District 24-Parganas, West Bengal, a contesting candidate for election to the West Bengal Legislative Assembly from 119-Naihati constituency held in March, 1972 has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate even after the due notice has not given any reason or explanation for the failure and the Election Commission is further satisfied that he has no good reason or justification for such failure.

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Bholanath Bhar to be disqualified for being chosen as, and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. WB-I A/119/72(62)]

आवेदन

का. आ. 1667.—यतः, निवाचिन आयोग का समाधान हो गया है कि मार्च, 1971 में हुए पश्चिमी बंगाल विधान सभा के लिए निवाचिन के लिए 131-जौरासंक्ष निवाचिन-क्षेत्र से लड़ने वाले उम्मीदवार श्री मो. उमर, 90-वी, मदन माहन बर्मन स्ट्रीट, कलकत्ता-7 (पश्चिमी बंगाल) लोक प्रतिनिधित्व अधिकारीनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निवाचिन व्यवहार कोई भी लेखा दाखिल करने में असफल रहे हैं;

आ॒र यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और, निवाचिन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, उक्त अधिकारीनियम की धारा 10-के अनुसरण में निवाचिन आयोग एतद्वारा उक्त श्री मो. उमर को संसद के किसी भी सदन के या किसी राज्य की विधान-सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरर्व्वत घोषित करता है।

[सं. प. वं.-पि. स./131/71(63)]

ORDER

S.O. 1667.—Whereas the Election Commission is satisfied that Shri Md. Omar, 90-B, Madan Mohan Barman Street, Calcutta-7 (West Bengal) a contesting candidate for election to the West Bengal Legislative Assembly from 131-Jorasanko constituency, held in March 1971 has failed to lodged an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidates even after the due notice has not given any reason or explanation for the failure and the Election Commission is further satisfied that he has no good reason or justification for such failure.

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Md. Omar to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No WB-LA/131/71(63)]

आवेदन

का. आ. 1668.—यसः, निवाचिन आयोग का समाधान हो गया है कि मार्च, 1972 में हुए आन्ध्र प्रदेश विधान सभा के लिए निवाचिन के लिए 175-अलूर (अजजा) निवाचिन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री नारायणपुरम एरन्ना, नारायणपुरम धानापुरम, पा., अलूर तालुक (आन्ध्र प्रदेश), लोक प्रतिनिधित्व अधिकारीनियम, 1951 तद्धीन बनाए गए नियमों द्वारा अपेक्षित रीति से अपने निवाचिन व्यवहार को लेखा दाखिल करने में असफल रहे हैं,

आ॒र यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और निवाचिन आयोग का यह भी समाधान हो गया है कि उसके पास हम असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है।

अतः अब, उक्त अधिकारीनियम की धारा 10-के अनुसरण में निवाचिन आयोग एतद्वारा उक्त श्री नारायणपुरम एरन्ना को संसद के किसी भी सदन के या किसी राज्य की विधान-सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरर्व्वत घोषित करता है।

[सं. आ. प्र.-पि. स./175/72(2)]

ORDER

S. O. 1668.—Whereas the Election Commission is satisfied that Shri Narayanapuram Eranna Narayanapuram Dhanapuram Post, Alur Taluk (Andhra Pradesh) a contesting candidate for the general election to the Andhra Pradesh Legislative Assembly held in March, 1972 from 175-Alur (SC) constituency, has failed to lodge an account of his election expenses in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notices, has not given any reason or explanation for the failure and the Election Commission is further satisfied that he has no good reason or justification for such failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Narayanapuram Eranna to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. AP-LA/175/72(2)]

आवेदन

का. आ. 1669.—यतः, निवाचिन आयोग का समाधान हो गया है कि मार्च, 1972 में हुए आन्ध्र प्रदेश विधान सभा के लिए निवाचिन के लिए 175-अलूर (अजजा) निवाचिन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री बारीकी पेड्डा एरन्ना, चिन्तकुना, नारायणपुरम धानापुरम, पा., अलूर तालुक (आन्ध्र प्रदेश), लोक प्रतिनिधित्व अधिकारीनियम, 1951 तद्धीन बनाए गए नियमों द्वारा अपेक्षित रीति से अपने निवाचिन व्यवहार को लेखा दाखिल करने में असफल रहे हैं,

आ॒र यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और निवाचिन आयोग का यह भी समाधान हो गया है कि उसके पास हम असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः अब, उक्त अधिकारीनियम की धारा 10-के अनुसरण में निवाचिन आयोग एतद्वारा उक्त श्री बारीकी पेड्डा एरन्ना को संसद के किसी भी सदन के या किसी राज्य की विधान-सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरर्व्वत घोषित करता है।

[सं. आ. प्र.-पि. स./175/72 (1)]

ORDER

S. O. 1669.—Whereas the Election Commission is satisfied that Shri Bariki Pedda Eranna, Chintakunta Post, Alur Taluk (Andhra Pradesh), a contesting candidate for the general election to the Andhra Pradesh Legislative Assembly held in March, 1972 from 175-Alur (SC) constituency, has failed to lodge an account of his election expenses in the manner required by the Representation of the people Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notices, has not given any reason or explanation for the failure and the Election Commission is further satisfied that he has no good reason or justification for such failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Sri Bariki Pedda Eranna to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. AP-LA/175/72(1)]

आवेदन

नई दिल्ली, 14 मई, 1973

क्र. आ. 1670.—यतः, निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1972 में हुए महाराष्ट्र विधान सभा के लिए निर्वाचन के लिए, 36-दादर निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री गायकवाड निवासित इश्वरा, पुणी कुम्भार चाल, कमरा नं. 23, फिटवाला रोड, बम्बई-13, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्यवयों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अवश्य रपटी-करण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायाँचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्दिवारा उक्त श्री गायकवाड निवासित इश्वरा के संसद के किसी भी सदन के या किसी रज्य की विधान-सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिए इस आदेश की सारीख से तीन वर्ष की कालावधि के लिए निरीक्षित घोषित करता है।

[स. महा-प्र. स./36/72(21)]

ORDER

New Delhi, the 14th May, 1973

S. O. 1670.—Whereas the Election Commission is satisfied that Shri Gayakwad Nirvuti Ishvara, Old Kumbhar Chawl, Room No. 23, Fitwala Road, Bombay-13, a contesting candidate for the election held in March, 1972, to the Maharashtra Legislative Assembly from 36-Dadar constituency, has failed to lodge an account of his election expenses, as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notices, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

Now, therefore, in pursuance of Section 10A of the said Act, the Election Commission hereby declares the said Shri Gayakwad Nirvuti Ishvara to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MT-LA/36/72(21)]

आवेदन

नई दिल्ली, 15 मई, 1973

क्र. आ. 1671.—यतः, निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1971 में हुए उड़ीसा विधान सभा के लिए निर्वाचन के लिए 118-कुचन्दा (अ. ज. जा.) निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री कन्हाई सिंह, ग्राम पठभुन्डा, पो. मुन्धनपली, जिला सम्बलपुर (उड़ीसा राज्य), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्यवयों का कोई भी लेखा दाखिल करने में असफल रहे हैं।

वाले उम्मीदवार श्री श्रीपति नायक, ग्राम कसाडा, पो. आ. जामनकिरा, जिला सम्बलपुर (उड़ीसा राज्य), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्यवयों का कोई भी लेखा दाखिल करने में असफल रहे हैं,

और यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायाँचित्य नहीं है,

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्दिवारा उक्त श्री श्रीपति नायक के संसद के किसी भी सदन के या किसी रज्य की विधान-सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरीक्षित घोषित करता है।

[स. उड़ीसा-प्र. स./118/71(3)]

ORDER

New Delhi, the 15th May, 1973

S. O. 1671.—Whereas the Election Commission is satisfied that Shri Sripati Naik, Village Kasada, P. O. Jamankira, District Sambalpur, Orissa State, a contesting candidate for election to the Orissa Legislative Assembly from 118-kuchinda (ST) constituency, held in March, 1971 has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notices, has not given any reason or explanation for the failure and the Election Commission is further satisfied that he has no good reason or justification for such failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Sripati Naik to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. OR-LA/118/71(3)]

आवेदन

क्र. आ. 1672.—यतः, निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1971 में हुए उड़ीसा विधान सभा के लिए निर्वाचन के लिए 118-कुचन्दा (अ. ज. जा.) निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री कन्हाई सिंह, ग्राम पठभुन्डा, पो. मुन्धनपली, जिला सम्बलपुर (उड़ीसा राज्य), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्यवयों का कोई भी लेखा दाखिल करने में असफल रहे हैं,

और यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायाँचित्य नहीं है,

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्दिवारा उक्त श्री कन्हाई सिंह के संसद के किसी भी सदन के या किसी रज्य की विधान-सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरीक्षित घोषित करता है।

[स. उड़ीसा-प्र. स./118/71(2)]

ORDER

S. O. 1672.—Whereas the Election Commission is satisfied that Shri Kanhai Singh, Village Pathmunda, P. O. Mundhenpali, District Sambalpur, Orissa State, a contesting candidate for election to the Orissa Legislative Assembly from 118-Kuchinda (ST) constituency, held in March, 1971 has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notices, has not given any reason or explanation for the failure and the Election Commission is further satisfied that he has no good reason or justification for such failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Kanhai Singh to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. OR-LA/118/71(2)]

आवेदन

का. आ. 1673.—यतः, निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1971 में उड़ीसा विधान सभा के निर्वाचन के लिए 118-कर्चिन्दा (अजजा) निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री उजल नायक, गांव भालूबहल, पो. आ. सासोन, जिला सम्बलपुर (उड़ीसा राज्य), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपीक्षित अपने निर्वाचन व्यर्थों का कोई भी संखा वापिस करने में असफल रहे हैं।

और यतः, उक्त उम्मीदवार ने, उस सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायालीकरण नहीं है,

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसारण में निर्वाचन आयोग एतद्वारा उक्त श्री उजल नायक को संसद के किसी भी सदन के या किसी राज्य की विधान-सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आवेदन की तारीख से तीन वर्ष की कालावधि के लिए निरर्हित घोषित करता है।

[सं. उड़ीसा-पि. स./118/71(1)]

ORDER

S. O. 1673.—Whereas the Election Commission is satisfied that Shri Ujal Naik, Village Bhalubahal, P.O. Sason, District Sambalpur, Orissa State, a contesting candidate for election to the Orissa Legislative Assembly from 118-Kuchinda (ST) constituency, held in March, 1971 has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notices, has not given any reason or explanation for the failure and the Election Commission is further satisfied that he has no good reason or justification for such failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Ujal Naik to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. OR-LA/118/71(1)]

आवेदन

का. आ. 1674.—यतः, निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1972 में महाराष्ट्र विधान सभा के साधारण निर्वाचन के लिए 167-कालमन्त्री निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री खिलारे पीण्डत बद्री, स्थान व पो. आ. कालमन्त्री, जिला परभनी (महाराष्ट्र), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा आपीक्षित उपने निर्वाचन व्यर्थों का कोई भी संखा वापिस करने में असफल रहे हैं,

और यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायालीकरण नहीं हैं;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसारण में निर्वाचन आयोग एतद्वारा उक्त श्री खिलारे पीण्डत बद्री के संसद के किसी भी सदन के या किसी राज्य की विधान-सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आवेदन की तारीख से तीन वर्ष की कालावधि के लिए निरर्हित घोषित करता है।

[सं. महा-पि. स./167/72(22)]

ORDER

S. O. 1674.—Whereas the Election Commission is satisfied that Shri Khilare Pandit Badri, At and Post Kalamnuri, District Parbhani (Maharashtra), a contesting candidate for the general election held in March, 1972, to the Maharashtra Legislative Assembly from 167-Kalamnuri constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notices, has not given any reason or explanation for the failure and the Election Commission is further satisfied that he has no good reason or justification for such failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Khilare Pandit Badri to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MT-LA/167/72(22)]

आवेदन

नई दिल्ली, 16 मई, 1973

का. आ. 1675.—यतः, निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1972 में हाए मौसूर विधान सभा के लिए साधारण नियमित निर्वाचन के लिए 75-चिकपेट निर्वाचन-क्षेत्र में चुनाव लड़ने वाले उम्मीदवार श्री पी. कृष्णामूर्ती, नम्बर 10, आंबेयाह सेन, अककपेट, बंगलौर-2, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा आपीक्षित आपाने निर्वाचन व्यर्थों का कोई भी संखा वापिस करने में असफल रहे हैं,

और, यतः, श्री पी. कृष्णामूर्ती को भैंडी गढ़ सूचनाएं अपीक्षित वापस आ गई हैं क्योंकि अभ्यार्थी के रहने के स्थान का पता नहीं है और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायालीकरण नहीं हैं।

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसारण में निर्वाचन आयोग उक्त श्री कृष्णामूर्ती को संसद के किसी भी

सदन के या किसी राज्य की विधान-सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख तीन वर्ष की कालावधि के लिए निरीहत घोषित करता है।

[सं. मौसूर-वि. स./75/72]

ORDER

New Delhi, the 16th May, 1973

S. O. 1675.—Whereas the Election Commission is satisfied that Shri P. Krishna Murthy, No. 10 Obaiah Lane, Akkipet, Bangalore-2 a contesting candidate for general election to the Mysore Legislative Assembly from 75-Chickpet constituency held in March, 1972, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the notices issued to Shri P. Krishna Murthy have been received back undelivered as the whereabouts of the candidate are not known and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri P. Krishna Murthy to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MY-LA/75/72]

आवेदा

नई दिल्ली, 22 मई, 1973

का. आ. 1676.—यतः निर्वाचित आयोग का समाधान हो गया है कि मार्च, 1971 में हाए पश्चिम बंगाल विधान सभा के लिए निर्वाचित के लिए 83 राजाहट (अजा) निर्वाचित-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री सचिवन्नानाथ रू, भाम ब पो. आ. मैट्टिया-गाचा, जिला 24 परगना (पश्चिम बंगाल), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचित व्याँरों का कोई भी लेखा दाखिल करने में असफल रहे हैं,

और यसः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचित आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है,

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचित आयोग एतद्वारा उक्त श्री सचिवन्नानाथ रू और संसद के किसी भी सदन के या किसी राज्य की विधान-सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरीहत घोषित करता है।

[सं. प. ब.-वि. स./83/71(84)]

ORDER

New Delhi, the 22nd May, 1973

S. O. 1676.—Whereas the Election Commission is satisfied that Shri Sachindra Nath Ray, Villave and P.O. Mattagacha, District 24-Parganas, (West Bengal) a contesting candidate for election to the West Bengal Legislative Assembly from 83-Rajarhat (SC) constituency, held in March 1971 has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notices, has not given any reason or explanation for the failure and the Election Commission is further satisfied that he has no good reason or justification for such failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Sachindra Nath Ray to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. WB-LA/83/71(64)]

आवेदा

का. आ. 1677.—यतः निर्वाचित आयोग का समाधान हो गया है कि मार्च, 1971 में हाए पश्चिम बंगाल विधान सभा के लिए निर्वाचित के लिए 84 देंगंगा निर्वाचित-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री छी. पी. चौधरी, ग्राम गंगापुर, पो. आ. धूत्ता-पुकुर, जिला 24 परगना (पश्चिम बंगाल), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचित व्याँरों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और, यसः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और निर्वाचित आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है,

अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचित आयोग एतद्वारा उक्त श्री सचिवन्नानाथ रू, भाम ब पो. आ. मैट्टिया-गाचा, जिला 24 परगना (पश्चिम बंगाल), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचित व्याँरों का कोई भी लेखा दाखिल करने में असफल रहे हैं।

[सं. प. ब.-वि. स./84/71(65)]

ORDER

S. O. 1677.—Whereas the Election Commission is satisfied that Shri D. P. Choudhury, Village Gangapur, P.O. Dutta-pukur, district 24-Parganas (West Bengal) a contesting candidate for election to the West Bengal Legislative Assembly from 84-Deganga constituency, held in March, 1971 has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notices, has not given any reason or explanation for the failure and the Election Commission is further satisfied that he has no good reason or justification for such failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri D. P. Choudhury to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. WB-LA/84/71(65)]

आवेदा

का. आ. 1678.—यतः निर्वाचित आयोग का समाधान हो गया है कि मार्च, 1971 में हाए उड़ीमा विश्वान सभा के लिए निर्वाचित के लिए 127 चम्पुआ (अजा) निर्वाचित-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री प्राणबंधु देवधरी, ग्राम ब पो. आ. कालिका प्रसाद, जिला किओंकर, उड़ीसा, लोक प्रतिनिधित्व अधिनियम,

1951 तथा सद्धीन बनाए गए नियमों द्वारा अपर्यक्षत अपने निर्वाचन व्यवहारों का कोई भी लेखा घोषित करने में असफल रहे हैं;

आँर, यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपने निर्वाचन व्यवहारों का लेखा घोषित नहीं किया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उराके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायानुचित्य नहीं है;

अतः, अब, उक्त अधिनियम की धारा 10-के अनुसारण गे निर्वाचन आयोग एसडब्ल्यूआर उक्त श्री प्राणबंधु देवेशरी को संसद के किसी भी सदन के या किसी राज्य की विधान-सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरर्हित घोषित करता है।

[सं. उड़ीसा वि. स./127/71]

ORDER

S. O. 1678.—Whereas the Election Commission is satisfied that Shri Pranabandhu Deury, Village and P.O. Kalikaprasad, District Keonjhar, Orissa State, a contesting candidate for election to the Orissa Legislative Assembly from 127-Champua (ST) Constituency, held in March, 1971 has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notices, has not given any reason or explanation for the failure and the Election Commission is further satisfied that he has no good reason or justification for such failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Pranabandhu Deury to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. OR-LA/127/71]

आदेश

नई दिल्ली, 23 मई, 1973

का. आ. 1679.—यतः निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1971 में हुए उड़ीसा विधान सभा के लिए निर्वाचन के लिए 123 राजगंगपुर (अज्जा) निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री इमिले कुरु, निवासी नयापाड़ा, पा. आ. सम्बलपुर, इत्ता उड़ीरा, लोक प्रतिनिधित्व अधिनियम, 1951 तथा सद्धीन बनाए गए नियमों द्वारा अपर्यक्षत समय के अन्दर सभा रीति रो अपने निर्वाचन व्यवहारों का लेखा घोषित करने में असफल रहे हैं;

आँर, यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायानुचित्य नहीं है;

अतः, अब, उक्त अधिनियम की धारा 10-के अनुसारण गे निर्वाचन आयोग एसडब्ल्यूआर उक्त श्री इमिले कुरु को संसद के किसी भी सदन के या किसी राज्य की विधान-सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरर्हित घोषित करता है।

तारीख से तीन वर्ष की कालावधि के लिए निरर्हित घोषित करता है।

[सं. उड़ीसा-वि. स./123/71]

ORDER

New Delhi, the 23rd May, 1973

S.O. 1679.—Whereas the Election Commission is satisfied that Shri Emile Kujur, at Nayapara, P.O. Sambalpur, District Sambalpur, Orissa State, a contesting candidate for election to the Orissa Legislative Assembly from 123-Rajgan-gpur (ST) constituency, held in March, 1971 has failed to lodge an account of his election expenses within the time and in the manner as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notices, has not given any reason or explanation for the failure and the Election Commission is further satisfied that he has no good reason or justification for such failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Emile Kujur to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. OR-LA/123/71]

आदेश

नई दिल्ली, 24 मई, 1973

का. आ. 1680.—यतः निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1972 में हुए पश्चिम बंगाल विधान सभा के लिए निर्वाचन के लिए 37 गजोल (अज्जा) निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री सामुद्र, प्राम सिमलुधाप, पा. आ. बरीलायानवाक्षगंज, जिला मालदा, पश्चिम बंगाल, लोक प्रतिनिधित्व अधिनियम, 1951 तथा सद्धीन बनाए गए नियमों द्वारा अपर्यक्षत अपने निर्वाचन व्यवहारों का कोई भी लेखा घोषित करने में असफल रहे हैं,

आँर, यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायानुचित्य नहीं है;

अतः, अब, उक्त अधिनियम की धारा 10-के अनुसारण गे निर्वाचन आयोग एसडब्ल्यूआर उक्त श्री सामुद्र, पा. संसद के किसी भी सदन के या किसी राज्य की विधान-सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरर्हित घोषित करता है।

[सं. प. ब.-वि. स./37/72(68)]

ORDER

New Delhi, the 24th May, 1973

S.O. 1680.—Whereas the Election Commission is satisfied that Shri Samu Tudu, Village Simuldhap, P.O. Balianawab-gang, district Malda, West Bengal a contesting candidate for election to the West Bengal Legislative Assembly from 37-Gajol (ST) constituency, held in March, 1972 has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notices, has not given any reason or explanation for the failure and the Election Commission is further satisfied that he has no good reason or justification for such failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Samu Tudu to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. WB-LA/37/72(66)]

New Delhi, the 1st June, 1973

S. O. 1681.—In pursuance of Section 106 of the Representation of the People Act, 1951, the Election Commission hereby publishes the Order dated the 26th March, 1973 of the High Court of Judicature at Patna in Election Petition No. 1 of 1972.

(Here Print the order attached)

ELECTION PETITION NO. 1 OF 1972

Hukumdeo Narayan Yadav	Petitioner.
<i>Versus</i>	
Sri Lalit Narain Mishra	Respondent.

New Delhi, the 26th March, 1973.

ORDER

C. P. SINHA, J.—Shri Lalit Narain Mishra who is the sole respondent in this case has filed this petition dated the 22nd December, 1972 praying for dismissal of this election petition under section 86 and 87 of the Representation of the People Act, 1951 (hereinafter referred to as the Act) before its hearing on merits *inter alia*, on the main grounds that it has not been presented within the prescribed period of limitation and that it is not a proper petition because at the time it was filed it did not have with it the mandatory affidavit in the prescribed Form 25. It is to be noted that the respondent is still to file his written statement in the case. His request, however, is that before he files his written statement this preliminary objection challenging the maintainability of the election petition may be disposed of whereafter if necessary he will file his written statement to meet the allegations of the petitioner as made against him in the election petition.

2. The petitioner has put in his rejoinder, dated the 8th January, 1973, resisting the summary dismissal of the election petition as prayed by the respondent. To this rejoinder, the respondent has filed a reply dated the 29th January, 1973.

3. This election petition has been filed for a declaration that the election of the respondent to the Parliament (Lok Sabha) from the Darbhanga Parliamentary Constituency is illegal and void. This election took place on the 30th of January, 1972 and the votes were counted on the 1st of February, 1972. On the 2nd February, 1972, the respondent was declared elected having secured majority of valid votes. It is not disputed that the respondent had defeated his nearest rival Shri Ram Sevak Yadav by a margin of 91,078 votes. In this election the respondent was a candidate of the Indian National Congress whereas he (Shri Ram Sevak Yadav) was set up by the Socialist Party. The petitioner has filed this election petition as an elector of this Parliamentary constituency and has averred that he was a member of the dissolved Bihar State Assembly and has again been re-elected to the State Assembly in the last General Election (It is not disputed that he has won this election as a candidate of the Socialist party). Shri Ram Sevak Yadav is said to be a leader of All India repute of the Socialist party and is also stated to have been elected thrice to the Lok Sabha and once to the Uttar Pradesh Legislative Assembly.

4. The case in the election petition is that the respondent had won this election by resorting to corrupt practices, taking advantage of his influential position as a Minister in the Ministry of Foreign Trade of the Union Government.

It is alleged that he had paid large sums of money to the influential persons in the constituency as also donation to institutions to purchase support in his favour. As an instance it has been cited that respondent's younger brother at respondent's instance and consent had met the Principal of Quer Singh college, Darbhanga on the 11th of January, 1972 and had solicited his (Principal's) support and influence to elicit the votes and services of his students in respondent's favour and as a consideration thereof the Principal was handed over a cheque of Rs. 25,000 issued on behalf of M/S. J. K. Synthetics of Kanpur on their account in Hindustan Commercial Bank; the Principal informed the President of the college governing body about his receipt of this cheque issued to him for electoral support to the respondent. The President, however, explained to the Principal the legal implication that its acceptance involved upon which the latter returned it to respondent's brother with a letter of regret. The respondent along with his workers and supporters have also been alleged to have captured a number of polling booths and get cast a large number of bogus votes therein after driving away the genuine voters who had assembled there to exercise their franchise. His further allegation is that because of respondent's official influential a Union Minister a large number of Government officials not only connived at those illegal votings but had actually canvassed and worked for him during the election.

5. This election petition was presented in my chamber on the 20th of March, 1972 at 05 minutes past 4 P.M. At the time of that presentation, it however lacked the necessary stamp report to which it was subjected later. In his report dated the 22nd March, 1972, Court's Stamp Reporter pointed out that the period of limitation in this case had expired on the 18th March, 1972. Thereafter, on the 2nd April, 1972, the petitioner filed a supplementary affidavit (sworn on the 31 March, 1972) setting out the circumstances in which he had filed the election petition on the 20th of March, 1972 and not the 18th March. At the time the election petition was filed it was also not accompanied by an affidavit in the prescribed Form 25 as required by the proviso to section 83(1) of the Act read with rule 94A of the Conduct of Elections Rules, 1961 notwithstanding there being specific allegation of corrupt practices on it. This wanting affidavit was however supplied by the petitioner on the 3rd April, 1972. Even then the second copy of this affidavit was found wanting in the necessary attestation which the petitioner subsequently rectified. In due course, this election petition was posted in the list for admission on the 10th April, 1972. Since it had been presented on the 20th March, 1972 limitation having expired on the 18th March, I admitted it subject to limitation, if any. Thereafter notices of the election petition were issued to the respondent. They could not, however, be served on him for quite some time, the circumstances of which are not necessary to be recounted here. Eventually substituted service, at the request of the petitioner, was resorted to. That service was accepted in Court's order dated the 8th December, 1972 when a counsel for the respondent appeared and filed his power. He was then given a copy of the election petition as available in office on his request. On that day (8-12-1972) respondent was allowed two weeks' time to file his written statement, if any. In the meanwhile i.e., on the 22nd December, 1972, the respondent filed the instant objection petition in which, as already noted, his prayer is to dismiss the election petition under section 86 and 87 of the Act before being heard on merits.

6. Mr. C. K. Daphtary representing the respondent has pressed for dismissal of the election petition under section 86 of the Act mainly because it has not been presented within the prescribed period of 45 days from the result of the election and that in the eye of law it cannot be treated as a complete and proper petition because at the time it was filed it was not accompanied with the requisite affidavit in Form 25 which it was mandatory for him to annex under the provisions of section 83(1) read with rule 94A.

7. Mr. P. K. Chatterjee appearing for the petitioner has, however, urged, respondent's objection petition so filed must be thrown out as non-maintainable at this stage because the High Court has already admitted the election petition; even if the affidavit in Form 25 was not there at the time this election petition was filed it was not fatal to its maintainability and for that omission it cannot be dismissed in limine under section 86 and must now be tried on merits; since the Judges were not sitting in

court on the 18th March, 1972 as it was a Saturday, the election petition could not be presented on that day and also on the next day (Sunday) and it was accordingly filed the following day, i.e., the 20th March, 1972 (Monday) on which the Judges sat in Court.

8. On the position of facts and law as they are, I am unable to accede to the contention of the election petitioner that the present objection as raised by the respondent challenging the maintainability of the election petition on the ground of limitation does not deserve to be entertained and must be dismissed summarily without going into its merit. As I have already shown, this election petition was presented in my chambers on 20-3-1972 at 4.05 P.M. without any stamp report which it was necessary for the petitioner to obtain before filing it (election petition) under rule 6 of the Rules for the disposal of Election Petitions, 1967, as framed by this Court (hereafter referred to as Court Election Rules). Subsequently on 22-3-1972 when this election petition was presented to the Court's stamp Reporter for necessary report he reported that the limitation about it had expired on 18-3-1972. Thereafter, the petitioner filed a supplementary affidavit on 3-4-1972 in which he tried to explain how he had not been able to present this petition on 18-3-1972 and had done that on 20-3-1972. Since, however, the points urged by the petitioner in this supplementary affidavit to make his election petition within time could not be accepted or rejected at once and its (election petition) formal admission could not be indefinitely postponed because other ancillary steps regarding sending notices of the election petition etc. to the other side had to be taken it was posted, in the list on 10-4-1972 for orders regarding admission and after having heard learned petitioner's counsel in the matter the following order was recorded:

"Heard. The Election Petition is admitted subject to limitation, if any.

Issue notice to the respondent fixing 27-6-72 for appearance and for filing written statement, if any...."

It will thus be evident from this order that the admission of the election petition was qualified in that it was subject to limitation, if any. In that view of this matter, it is, perhaps, not quite correct on the part of the petitioner to canvass that that admission must be regarded as unreserved and free from every string so that the Court cannot now look back on the objection of the other side to decide whether it deserves to be dismissed in limine under section 86 of the Act being hit by limitation.

9. Under rule 9 of the Court Election Rules, an election petition is required, after its presentation and registration, to be placed before the Judge concerned for such orders as may be required to be passed under section 86 of the Act, and if the petition is not dismissed under this section then summons should issue to the respondent to appear before the Court and file his written statement, etc. This rule, as it stands, must be deemed to postulate cases of unqualified admission requiring their hearing on merits. But, as already shown, the admission of the instant election petition was provisional subject to the consideration whether it was barred by limitation or not, which point was obviously involved on its face because of its presentation on 20-3-1972 instead of 18-3-1972 which was the last day of limitation. The respondent has lost no time to challenge its maintainability on the ground of limitation. His appearance in the case was effected on 8-12-1972 when his counsel filed power on his behalf and he was allowed two weeks' time to file his written statement. Before the expiry of that period he (respondent) however filed his present objection on 22-12-1972 requesting for the dismissal of the election petition under section 86, inter alia, on the ground that it had been presented to Court beyond limitation which clearly meant non-compliance with the provision of section 81.

10. There can be no denying the fact that the point of limitation is a very vital question and goes to the very root of the election petition. As such, if the election petition is found to be barred by time, in the eye of law there is no election petition before the Court which it may be called upon to hear and try on merit. Because of this position, the matter can be stretched to the length of holding that even if its admission on 10-4-1972 was without any condition

attached to it the respondent on appearance could not be estopped from raising this preliminary point and seek its summary dismissal on this score. If the election petition is to be held as time barred then where is a petition before the Court to be tried on merit.

11. The contention of Mr. Chatterjee that in view of the deletion of the old sections 88 to 92 of the Act the intention of the Legislature was evident that the election petition, unless it has been summarily dismissed before admission, must be heard and decided on merit no matter whether it was barred or not is not fully comprehended. As is known, after the amendment of the Act in 1966 the forum for the filing and trial of an election petition is now the High Court which was previously the election Commission and the Election Tribunal. As the old provisions in the Act existed, the Election Commission, under section 85, was to dismiss an election petition for its non-compliance with the provisions of section 81 (parties to an election petition) or section 83 (contents of an election petition) or Section 117 (security deposit while filing an election petition). Under section 86 the Election Commission was to appoint an Election Tribunal for the trial of the election petition which it (Election Commission) did not dismiss under section 85. Section 87 enjoined election petitions relating to same election to be referred to the same Tribunal. Section 88 required the Election Commission to fix the place where an election petition was to be tried. Section 89 authorised an Election Tribunal to call for the attendance of the Attorney General or the Advocate General in any election case as it considered necessary. Section 90 prescribed the procedure before the Election Tribunal for the trial of an election case, and under its sub-section (4) the Tribunal was given the power to dismiss an election petition which did not comply with the provisions of section 81, 83 or 117 notwithstanding its non-dismissal by the Election Commission under section 85. Section 91 laid down the procedure now the party was to appear in the election case before the Tribunal, and under section 92 the Tribunal was vested with the powers of a Civil Court in regard to matters specified therein. In the Representation of the People (Second Amendment) Act, 1956 (Act 27 of 1956) these sections 85, 86 89 and 90 underwent substantial amendments. After that amendment the Election Commission under section 85 could dismiss an election petition for non-compliance with the provisions of section 81, 82 or 117 (S. 83 was taken out from the purview of S. 85). Section 86 provided how District Judges etc. were to be appointed as Tribunals in prior consultation with the High Courts. Section 89 clothed the Election Commission with power to withdraw an election case from one Tribunal and transfer it to another. Section 90 enjoined upon the Tribunal to dismiss an election petition which did not comply with the provisions of section 81, 82 or 117 even if it had not been dismissed by the Election Commission under section 85, and a candidate not joined as a party to the election petition was made entitled to be joined as a party on his application to the Tribunal within the prescribed period. It also required an election petition to be heard as expeditiously as possible as to conclude the hearing within six months as far as possible. Sections 91 and 92 remained as they were. Consequently upon the amendments in 1966 by which the filing as also the trial of an election petition has been shifted to the High Court, as per the Representation of the People (Amendment) Act, 1966 (Act 47 of 1966), the old sections 86 to 92 were deleted, as they had become redundant, and in their place two new sections 86 and 87 were inserted providing for the filing of an election petition in the High Court and the procedure to be followed in its trial.

12. I have traced above the changes that the provisions of old sections 86 to 92 have undergone from time to time. Looking at them as a whole, it is somewhat difficult to appreciate the logic of the petitioner's argument that in view of the deletion of old sections 88 to 92 it is manifest that this Court is now powerless to dismiss the election petition even though barred by limitation merely because it had not done so at an earlier stage. When he concedes such a power was possessed by the Election Tribunal under old section 90(4) then can it be argued that it does not exist for the High Court, which has since replaced that Tribunal, in the absence of anything to the contrary in the statute. In fact, such an authority now clearly vests in the High Court under section 86 which enjoins upon it to dismiss an election petition which does not comply with the provisions of section 81, 82 or 117. Section 81 makes provision for the calling in question of an election by means of an election

petition presented within the prescribed period section 81 names the person or persons who are necessary parties to an election petition; section 117 refers to the security deposit.

13. According to the respondent, as has been clearly laid down in section 81, an election cannot be challenged except by means of an election petition filed by the appropriate person within the prescribed period which is 45 days from the date of the election result, and if he is able to show that there was no such petition presented to the High Court within that period which is unextendable, then there can be no question of that petition being proceeded with for trial on merit because that was not an election petition within the framework of law on this point and he would be well within his right to request the Court to throw out in limine such a petition under the provision of section 86 without calling upon the parties to its trial because that will involve them in unnecessary expenses and botherations of litigation besides loss of Court's time. In his submission the factum of admission of this election petition is of no material consequences to the other side to resist respondent's objection against its maintainability on this score because that order of admission which was just conditional subject to limitation, was made when he was not there and as soon as he has appeared on the scene he has raised this issue at the earliest opportunity because such a defect, if any, is vital and goes to the very root of the petition and once it has been brought to the notice of the Court it must be heard and decided without waiting for its decision along with the decision on merits of the other issues involved in the case. To support this view reliance has been made on respondent's behalf on the Supreme Court authority in K. Kamaraja Nadar v. Kunju Thevar (A.I.R. 1958 S. C. 687) and the Bench decision of this Court in Mohan Singh Oberoi v. Shah Md. Umair (A.I.R. 1964 Patna 268) following that Supreme Court case.

14. The above Patna case related to the election petition in which the election petitioner Shah Md. Umair had challenged the validity of the election to the Parliament of Mohan Singh Oberoi. In due course, the respondent therein filed his written statement. Before the issues in the case were settled the respondent filed an application to the Election Tribunal under section 90(3) of the Act praying for summary dismissal of the election petition for the reason that it suffered from the non-compliance of the mandatory provisions of section 81 of the Act because the copy of the election petition as served upon him did not contain the annexures attached to the main petition though they formed part of the petition and repeated reference had been made of them in the body of that petition. The Election Tribunal rejected that prayer of the respondent for disposing of that preliminary objection before settling the issues in the case, saying that the proper course appeared to be to postpone the hearing of that preliminary point at that stage and proceed with the settlement of issues and in the issues so settled to have a specific issue or issues if necessary on that point and then if the parties so desired they could address the Tribunal to hear that preliminary issue first and dispose it before hearing the case on the other issues and if and when such prayer was made that would be considered on merit and according to law. Against that order of the Tribunal the respondent moved the High Court by means of a writ petition which was allowed and the Tribunal's order was set aside with the direction that it should proceed to hear and decide the preliminary objection so raised with regard to non-compliance of section 81 of the Act, and thereafter, proceed in accordance with law. It may be noted that the provision of this section 81 as it stood at the time of High Court's order in that case in 1964 was substantially the same in respect of annexures to the election petition etc. as they exist at present in section 81. In making this order their Lordships, V. Ramaswami C. J. and N. L. Untwalia, J. (as they were then) relied upon the aforesaid Supreme Court authority in A.I.R. 1958 S.C. 687 which had earlier been followed by the Patna High Court in Dhananjay Mahto v. R. K. Singh and others (16 E.L.R. 99). In the Supreme Court case it was held that a preliminary objection with regard to non-compliance of the provisions of section 117 (relating to security deposit with the election petition) should be entertained and decided at the initial stage and should not be relegated to the stage of hearing of the petition. Following this decision of the Supreme Court, their Lordships of this Court in the above Dhananjay Mahto's case where the preliminary objection regarding non-compliance of the provisions of section 117 regarding non-deposit of the

security money was taken laid down that if a preliminary objection is raised to an election petition that the provision contained in section 117 of the Representation of the People Act as to deposit of security had not been duly complied with and the election petition is, therefore, liable to be dismissed under section 90(3) of the Act, such objection must be heard and decided before the petition is tried on merits.

15. In view of the above discussions, I do not think, there can be any legal hurdle to entertain this objection of the respondent in which he has objected to the maintainability of the election petition being hit by limitation etc. and its consequential dismissal as enjoined by section 86 of the Act.

16. Before I proceed to examine the merit of the respondent's contention regarding the election petition being hit by limitation I would like to dispose of his other point which has also been urged as a ground for its dismissal at this stage. It is said, since the election petition at the time it was presented did not accompany with it the required affidavit in Form 25 the election petition had to be treated as not a complete and proper petition within the meaning of section 81 of the Act and must, therefore, be dismissed for that major defect. He has urged that since in the election petition the petitioner had made specific allegation of corrupt practices against the respondent it was mandatory upon him to annex with the election petition itself when it was presented such an affidavit and if he did not do so that is obviously fatal and needs its summary dismissal under section 86 of the Act. I am, however, unable to accept this contention for the following reason.

17. The above affidavit is required to accompany an election petition on the provision of the proviso to section 83 of the Act read with rule 94A of the Conduct of Elections Rules, 1961. Regarding being had to the allegations of corrupt practices as made in the election petition, the petitioner was required to swear such an affidavit and annex it to the election petition at the time it was filed. This was obviously not done and he supplied this affidavit on 3-4-1972 (Election petition was filed on 20-3-1972). The dismissal of the election petition under section 86 is contemplated for its non-compliance with the provisions of only section 81, 82 or 117. There is nothing in section 86 to read that non-compliance of an election petition with any of the provisions of section 83 will also entail its such dismissal. As it appears from the election petition, at the time of its filing, it had on it besides the usual verification two affidavits. In the first affidavit he testified to the correctness of his averments in the different paragraphs in the election petition as they were based on his own knowledge also information received from his workers and supporters. In the second the petitioner swore the correctness of Annexure 'T' in which he has alleged specific act of corrupt practice against the respondent as he had learnt from the College Principal concerned.

18. In the case of Mahesh Prasad Sinha v. Manjy Lal and others (A.I.R. 1964 Patna 53) their Lordships while considering a similar question had held:

"The substance and the matter of the essence embodied in the proviso is that when allegations of corrupt practices are made in the election petition, it must be accompanied by an affidavit, but the requirement of its being in the prescribed form is not of the essence and is directory. Before the amending Act 27 of 1956, for non-compliance with the provisions of S. 83, the penalty provided in the Act was dismissal of the application by the Election Commission under S. 85 or by the Election Tribunal under S. 90(3) of the Act. But no such consequence is provided in the Act as it stands now after the Amendment of 1956. It is, therefore, clear that even for the non-filing of the affidavit along with the election petition as required by the proviso in question, the whole of the petition cannot be dismissed in limine. It may well be that in that even the allegations of corrupt practices in the petition have got to be struck out as being unnecessarily under O 6, R. 16 of the Code of Civil Procedure or some other consequences may follow even though not specifically provided for in the Act. But if the election petition is accompanied by an

affidavit, the allegations of corrupt practices made in the election petition cannot be struck out merely because the affidavit is not in the prescribed form or is a defective one. That being so, the intention is carried out and the object is substantially achieved if any affidavit is filed in support of the allegations of the commission of corrupt practices and the particulars thereof."

19. Following this decision of our Court, I am unable to subscribe to the view canvassed by the respondent that since the election petition at the time of its filing was not accompanied with such an affidavit it must be treated to be not a proper petition as to entail its dismissal under section 86 for this defect. As already pointed out, the petitioner did subsequently cover up this lacuna on 3-4-1972 by filing this affidavit. Moreover, the petition at the time it was presented had with its the aforesaid two affidavits relating to allegations of corrupt practices. In these circumstances, the respondent's request for summary dismissal of the election petition for this reason appears to be without substance and must be overruled.

20. It has not to be considered whether the election petition, as presented to the Court, is barred by limitation. Admittedly the result of this election was declared on 2-2-1972 in which the respondent was declared elected having secured majority of valid votes. The period prescribed for presentation of an election petition calling in question the election of the returned candidate under section 81 of the Act by a candidate or an elector, as the case may be, is 45 days from, but not earlier than, the date of the election of the returned candidate. Computing on this basis the last date on which this election petition, which the petitioner has filed as an elector of the constituency, should have been presented latest by 18-3-1972. As against it, it was filed on 20-3-1972 (at 4.05 p.m. in my chambers). So, on the face of it, it has to be treated as having been presented beyond the prescribed period.

21. Under the Court Election Rules "the Judge" has been defined to mean the Judge or Judges of the Court (High Court of Judicature at Patna) who, from time to time, have been assigned by the Chief Justice under sub-section (2) of section 80 A of the Representation of the People Act, 1951 for exercising the jurisdiction of the High Court under sub-section (1) of section 80 A. As rule 6 of these Rules is worded, though not expressly but impliedly it requires the election petition to be made to the Judge in open Court.

22. As I have already shown, the election petition of this case was presented in my chambers on 20-3-1972, though in normal course its filing was necessary at the latest by 18-3-1972. The petitioner in his supplementary affidavit (filed on 3-4-1972) has tried to explain this omission on his part by asserting: when he contacted his counsel Mr. G. P. Roy on 18-3-1972 (Saturday) to file an election petition the latter asked him to come again on 20-3-1972 (Monday) at 10.30 A.M. when he would present the election petition in open Court because he could not do so on Saturday and Sunday when the Court was not open. Accordingly, he reached the High Court on 20-3-1972 at 10.30 A.M. when the election petition was presented for affidavit which was done at 2 P.M. and he also deposited the necessary security of Rs. 2000/- on that day; the counsel (Mr. G. P. Roy) had also learnt on enquiry from the Court's Election Office that no Judge of the Court was specifically assigned by the Chief Justice to dispose of the election petitions of 1972 and that the Chief Justice had not come to Court on that day (20-3-1972); as on that day two Judges (C. P. Sinha and J. Narain, J.J.) who had been assigned by the Chief Justice to try election petitions of 1971 were on that day sitting in two different court-rooms and Mr. G. P. Roy was conducting Election Petition No. 7 of 1971 in the court of J. Narain, J., at 3 P.M. he asked the petitioner in that court-room to stay there along with this election petition till 4 P.M. so that he could present it to that Judge when he is about to rise; accordingly, the petitioner was waiting in that court-room with his election petition when at 3.55 P.M. his counsel Mr. G. P. Roy offered to present the election petition to him; the Judge, however, asked the counsel to file the petition before C. P. Sinha, J., as he was the senior of the two; when the counsel pointed out to him that it was already 3.57 P.M. and the other Judge was holding court at the other end of

the building and it may not be possible for him to present the petition to that Judge in time then he was asked to file it in his chambers if by that time that Court had risen; on this the counsel rushed to the Sessions Court in which C. P. Sinha, J., was sitting, but by the time he reached there the Court had risen and then the counsel went to his chambers and presented the petition there at 4.05 P.M.

23. It is clear from the body of the election petition that everything regarding it was done on 20-3-1972. It was presented and affidavitized before the Oath Commissioner on that day and the necessary security deposit regarding this petition was also made on that day (20-3-1972). On these facts, it has been urged for the respondent, there could be no question on petitioner's part even to attempt presentation of this petition to this Court at any time prior to 20-3-1972.

24. As already observed, such an election petition must be filed within 45 days from the date of the election result, and there is nothing in the Act which is self-contained under which this Court can be said to possess power to extend this period. In the case of an election appeal filed under section 116 A of the Act, the Supreme Court is empowered to entertain it even after the expiry of the prescribed period of 30 days if it is satisfied that the appellant has sufficient cause for not preferring the appeal within that period. There is, however, no such enabling provision in the case of an election petition to be filed before the High Court under section 81 of the Act. There is no dispute that the Indian Limitation Act has no application to an election petition and the limitation about it is as prescribed in the Act itself. In the case of K. Venkateswara Rao another v. Bekkam Narasimha Reddi and others (A.I.R. 1969 S.C. 872) it has been held that the Limitation Act cannot apply to proceedings like an election petition inasmuch as the Representation of the People Act is a complete and self-contained Code; it does not admit of the introductions of the provisions of law contained in the Indian Limitation Act. While holding so, their Lordships have, however, observed that even though the Indian Limitation Act, 1963 does not apply to an election petition provisions like sections 9 and 10 of the General Clauses Act, 1897 providing for computation of time which are in pari materia with sections 12(1) and 4 of the Limitation Act would apply to such a case. While examining the applicability of section 10 of the General Clauses Act their Lordships of the Supreme Court in H. H. Raja (Harinder Singh v. S. Karnail Singh and others (A.I.R. 1957 S.C. 271) have observed that broadly stated, the object of section 10 is to enable a person to do what he could have done on a holiday, on the next working day; where, therefore, a period is prescribed for the purpose of an act in a court or office, and that period expires on holiday, then according to this section, the act should be considered to have been done within that period if it is done on the next day when the court or office is open. For that section to apply, therefore, all that is requisite is that there should be a period prescribed and that period should expire on a holiday.

25. In the case at hand provisions of section 10 of the General Clauses Act cannot be invoked to justify the presentation of this election petition on 20-3-1972 (Monday) instead of 18-3-1972 (Saturday) because the latter was not a holiday of the Court. It being a Saturday only the Judges were not sitting in Court to do judicial work, which was in keeping with Court's long standing practice. Court's offices were nevertheless open and fully functioning on that day (18-3-1972). Merely non-sitting of the Judges in Court on a Saturday, which they do to be able to finish their reserved judgments, cannot make it a closed day for the Court. It is in this context that in the High Court calendar when Sundays and other holidays are shown in red, a Saturday is shown as a working day like other working week days. In fact, on some of the Saturdays Judges do sit in Court and transact judicial works like other week days. In Civil Review No 3 of 1965, Md. Owais and others v. Phul Bibi and others, disposed of by this Court on 28-4-1965 learned Judge, K. Sahai, J., in the review petition as time-barred because it had been filed on Monday instead of the preceding Saturday on which the limitation expired. While doing so he clearly held that Saturday is a court day and the office keeps working on that day and simply

because the Benches do not sit on a Saturday because it is kept apart for writing the reserved judgments etc., it cannot be said that Saturday is not a court day.

26. No doubt, in the reports called for from the Court's office they have testified to the correctness of the averments of the petitioner in his above supplementary affidavit regarding his counsel's attempt to present the election petition at 3.55 P.M. on 20-3-1972 in the court of J. Narain, J., and his Lordships observation that he should do it before the senior Judge (C. P. Sinha, J.), that on 20-3-1972 he learned Chief Justice had not come to Court and also that till that day the Chief Justice had not specifically assigned any Judge of the Court for 1972 election petitions. But, as will appear from the subsequent discussion, on these facts alone the election petition cannot be treated to have been filed in time.

27. As noticed above, rule 6 of the Court Election Rules impliedly enjoins for the presentation of an election petition before the Judge concerned in open Court. Its proviso permits the presentation of the petition before the Bench hearing Civil Applications and Motions on any Court day when the Judge concerned is not available on account of temporary absence or otherwise. This proviso could not, however, come into play on that Saturday (18-3-1972) because on that day neither the Judge nor the Civil Applications Bench were sitting in Court. According to rule 7, the date of presentation of the election petition to the Judge or the Bench, as the case may be shall be deemed to be the date of its filing for the purposes of limitation. On this basis, the respondent has contended that since the election petition was presented on 20-3-1972 that must be deemed to be the date of its presentation for the purposes of limitation and it was in this background that the Court's Stamp Reporter had pointed out in his report that the limitation in the case expired on 18-3-1972, which was two days before its actual presentation.

28. Rule 24 of the Court Election Rules says that the Patna High Court Rules, except in so far as they are inconsistent with these Election Rules, shall apply mutatis mutandis to all election petitions, and where no specific provision has been made in the Act, Civil Procedure Code or the High Court Rules the Judge may pass such orders as he may consider necessary.

29. Rule 26, Part-II-Chapter VII at page 37 of the 1972 Edition of the Rules of the High Court at Patna, 1916, provides that on any Court day on which no Bench is or has been sitting, any memorandum of appeal or application which might be barred by time and while is entertainable only by a Bench may be presented to the Registrar or, in his absence from Court on that day to the Deputy Registrar, or in their absence, to the Assistant Registrar, who shall certify thereon that such memorandum of appeal or application was on that day presented to him; provided always that no such presentation to the Registrar, Deputy Registrar or Assistant Registrar, shall be of any effect unless such memorandum of appeal or application be presented to a Bench on the next subsequent day on which the Bench is sitting. In the instant case, as it appears to me, this rule 26 was clearly attracted in the context. The election petition was going to be time barred on that date, i.e., 18-3-1972, and the election petition was entertainable only by a Bench but no Bench, single or Division, was sitting on that day being a Saturday. As this rule 26 stands, it cannot be said to be in any way inconsistent with any of the Court Election Rules. In fact, in these Rules there is no provision to meet such a contingency. The above referred to proviso to rule 6 does not provide for the presentation of an election petition on a Saturday when no Bench is sitting, rather it permits presentation of an election petition to the sitting Civil Applications Bench on a court-day when the Judge concerned is not available due to his temporary absence or otherwise. Thus, reading the provisions of these rules 24 and 26 together, the inescapable conclusion is that it was incumbent for the petitioner to have presented the election petition to the Registrar, Deputy Registrar or Assistant Registrar of the Court, as the case may be, on 18-3-1972 on which its limitation was going to end and the Judges were found absent from Court being a Saturday.

30. By reference to the provision of rules 3 and 13 of the above Patna High Court Rules (Part I- Chapter II, at pages 6-7) Mr. Chatterjee has submitted that it was wholly beyond

the competence of the Registrar to accept the presentation of the election petition even if done, because the matter related to exclusive original jurisdiction of the Court which could not be delegated to the Registrar in any circumstance and that presentation had to wait for the Judge sitting in Court. As such, the respondent cannot invoke aid of this rule 26 to challenge the legality of its presentation before the Judge on 20-3-1972 which had necessarily to be resorted to make the presentation proper and legal. I am unable to appreciate the correctness of this contention. Rule 3 provides for hearing or presentation of the matters specified therein Court or in Chambers, as the Bench may direct. It also provides for the filing of every other appeal, motion or application, except entertainable by the Registrar, Deputy Registrar or Assistant Registrar in open Court. Rule 13 sets out the powers and duties of the Registrar over and above conferred on him by other rules. Rule 26, is, however, wholly unconnected with these rules 3 and 13. It (rule 26) occurs in another Chapter dealing with procedure before admission and obviously provides for a contingency for the filing of an appeal or application which is becoming time barred and is to be filed before a Bench in court, but on that day the Bench is not sitting. The manifest object behind this provision is to save limitation in the matter which would otherwise inevitably follow. The question of Registrar or Deputy Registrar or Assistant Registrar, as the case may be, not being competent to exercise this power in the case of an election petition because it concerns the special original jurisdiction of the Court, to my mind can hardly arise because, as I have already indicated, in the Court Election Rules itself (vide rule 24) this rule 26 has been made directly applicable to the presentation of an election petition also in those circumstances.

31. The next contention of the petitioner that in view of the definition of the Judge, as it occurs in the Court Election Rules, the Registrar of the Court, who is just an administrative figure in the hierarchy of Court's staff, can in no circumstance be taken to be authorised to accept the presentation of an election petition under this rule 26 appears to be equally untenable. Registrar's authority to exercise this power, in a given situation, is fully established by reading the provisions of these rules 24 and 26 together. As they stand, the position of the Registrar as a simple administrative figure on the Court's staff is not relevant on this point. As shown above, he has been specially authorised by the Court in the Rules as framed by it in those circumstances. His status in Court's hierarchy is, accordingly, immaterial because when he has been so empowered by the Court he can well exercise it irrespective of that status.

32. The authorities in Babu Lachmeshwar Prasad Shukul and others v. Babu Girdhari Lal Chaudhuri and others (A.I.R. 1939 Patna 667-F.B.) and Badri Narayan Singh and others v. Kalyan Prasad Shroff and others (A.I.R. 1956 Patna 522) relied upon by the petitioner to negative the stand of the respondent in this behalf. I am inclined to think, with great respect, are of no material assistance to him. As their perusal will show, the facts therein were wholly different and distinguishable. In the first, the question in the case concerned was regarding condonation of delay which the petitioner had made in depositing the amount of printing costs in a Federal Court appeal. The decree of the High Court in that case, as it appears, was signed on 13th February, 1939 and on the 11th May, 1939 the appellant filed a petition under Order 45 Rule 2 of the Code of Civil Procedure. The High Court vacation was from 12-5-1939 to 23-7-1939. On 29-5-1939 notice of the amount of printing costs was served upon the appellants and they tendered the money on the 24th July, 1939 on which the Court had opened after the vacation and it was accepted by the Registrar of the Court subject to any others passed by the Bench. The limitation in that case expired on 16th June, 1939 which was within the vacation. It was urged for the appellants that since the Court was closed for the vacation they could not make the deposit until the opening day. Their Lordships in the majority judgment held that the Court is not closed during the vacation and the money can be deposited and if tendered will be accepted. They further held that the deposit for printing costs may be made when the Court is not sitting but when the office is open. They further felt satisfied that there has been considerable misunderstanding as to what business the office of this Court transacts during the vacation as no orders have been issued as to what the Court will do or will not do during the vacation. In those circumstances, they thought that the appellants honestly believed that they could deposit the money

on the opening day. Accordingly, they held that there were cogent reasons in this case for extending the time for making the deposit and ordered the office to accept the deposit so made. In the present case, there is no question of the election petition having been made during the Court's vacation, so as to give rise to any such confusion. Here the simple question is whether the petitioner's filing of the election petition on 20-3-1972 instead of 18-3-1972, on which the limitation expired, because it (18-3-1972) was a Saturday was a filing within time.

33. In the second case, i.e., A.I.R. 1956 Patna 522 their Lordships have held the entertainment of the execution petition a valid presentation before the Second Officer in the absence on tour of the Subdivisional Officer who exercised the powers of a Subordinate Judge and had exclusive jurisdiction to entertain it under the Santhal Parganas Justice Regulation, even though he (Second Officer) had no written authority in his favour to do so. The petitioner has in this case tried to rely upon their obiter which is to the effect: "When a Court competent to entertain an application for execution is absent on tour and there is no other officer competent to receive such application the Court must be held to be closed for purposes of S. 4 Limitation Act so long as Court is absent." As I have shown above, the provisions of the Limitation Act have no application to an election petition. Moreover, on my above showing, it would be evident that there was a competent authority, namely, Registrar or Deputy Registrar or Assistant Registrar of the Court, as the case may be, on that Saturday (18-3-1972) before whom the election petition required its presentation to save it from limitation as it was going to be time barred on that day.

34. To counteract the above obiter of the learned Judges respondent has called my attention to the Division Bench authority in Sajjan Singh and another v. Bhogilal Pandya and another (A.I.R. 1958 Rajasthan 307). The relevant question was whether the recriminatory petition under section 97 of the Act as filed on 12-8-1957 was in time. The other side objected that it has been filed beyond the prescribed period of limitation of 14 days of the commencement of trial which was said to be 23-7-1957. The recriminatory petitioner tried to meet that objection on the ground that the Election Tribunal (which was the District Judge, Udaipur) did not sit at Udaipur from the 5th to 11th August, 1957 and sat for the first time there on the 12th August and also that it had not appointed anybody to receive petitions and notices etc. On its behalf upto that time. The Tribunal accepted that plea and treated the recriminatory petition within time. In appeal to the High Court, their Lordships rejected that plea and held that petition to be beyond time on the ground, inter alia, that though the Tribunal was away on official tour but the Munserim of the Court was throughout available and that petition should and could have been submitted to that Munserim without any difficulty to save it being time barred.

35. The fact of non-assignment of Judge or Judges by the Chief Justice for trying 1972 election petitions till 20-3-1972 and the absence of the Chief Justice from Court on that day, to my judgment, is not particularly helpful to the petitioner to over-come this hurdle of limitation. As the Court's records show, previous assignments by the Chief

Justice of myself as also J. Narain, J., were in respect of specified election cases as filed in 1971. The trial of this Election Petition no. 1 of 1972 was assigned to me by the Chief Justice in his order dated 26-3-1972 (notified in Court's list on 27-3-1972). Under that very order he also assigned to me the election cases which might be filed arising out of the general elections held for the Bihar Vidhan Sabha in 1972. It is, however, not quite understandable as to how the petitioner can avail of these facts to justify the delay made in presenting this election petition on 20-3-1972, either before me or before J. Narain, J., none of whom according to him was till then assigned by the Chief Justice to entertain and try any election petition of 1972. The situation in this behalf was also the same on 18-3-1972. As such, it was all the more necessary for him to have availed of the provision of aforesaid rule 26 to present the election petition before the Registrar on that last day of limitation, i.e., 18-3-1972 on which no Judge was sitting in Court being a Saturday, and then wait for its formal presentation in open Court again as required under that rule, which, in the circumstances, would have been the Chief Justice, as he had not assigned any other Judge for the purpose till then. But nothing like this was done.

36. Thus, after having carefully considered all the above facts, I have not hesitation to hold that the presentation of this election petition on 20-3-1972 was obviously beyond the period of 45 days as prescribed in section 81 of the Act. This being so, it must be deemed to have failed to comply with the provisions of this section (81). As already pointed out, section 86 of the Act enjoins that the High Court shall dismiss an election petition which does not comply with the provision of section 81, 82 or 117. In view of this, this election petition found wanting in compliance of the provisions of section 81 has got to be dismissed as such without compelling the parties to proceed to its trial on merits.

37. In the result, the election petition is dismissed under section 86 of the Act. Parties shall bear their own costs.

C. P. SINHA, Judge.

PATNA HIGH COURT:

The 26th March, 1973.

[No. 82/BR/1/72]

A. N. SEN, Secy.

विधि, न्याय और कम्पनी कार्य मंत्रालय

(कम्पनी कार्य विभाग)

नई विल्सनी, 1973

चार्टर्ड एकाउन्टेंट

क. आ. 1682.—चार्टर्ड एकाउन्टेंट अधिकारीयम्, 1949 (1949 का 38) की धारा 9 की उप-धारा (2 के खण्ड (क) के अनुसरण में और भारत सरकार के भूतपूर्व वाणिज्य और उद्योग मंत्रालय (कम्पनी विधि प्रशासन विभाग) की अधिसूचना सं. का. आ 275, तारीख 12 मार्च, 1958 (समय-समय पर यथा संशोधित) को अधिकार करते हुए, कल्पनीय सरकार उक्त खण्ड के अधीन भारतीय चार्टर्ड एकाउन्टेंट संस्था-परिषद् के निवाचित के प्रयोजनों के लिए दिलांक

13 अप्रैल, 1973 से निम्नलिखित पांच क्षेत्रीय निर्बंधित क्षेत्र विभिन्न दिस्त करती हैं, अर्थात् :—

- (1) पश्चिमी क्षेत्र—गुजरात और महाराष्ट्र के राज्य तथा गोवा, वस्त्र और वीव तथा दावरा और नागर इवेली के संघ राज्य-क्षेत्र।
- (2) वरीक्षणी क्षेत्र—आन्ध्र प्रदेश, कर्नल, मैसूर, तमिलनाडु, के राज्य तथा पांडिचेरी और लंकाकावी, मिनिकाय और अमीनदीवी इवीपसमूह के संघ राज्य-क्षेत्र।
- (3) पूर्वी क्षेत्र—असम, मध्यालय, नागालैंड, उड़ीसा, पश्चिमी बंगाल, मणिपुर और त्रिपुरा के राज्य तथा अरुणाचल प्रदेश, मिजोरम और अण्डमान और नीकोबार इवीपसमूह के संघ राज्य-क्षेत्र।
- (4) केन्द्रीय क्षेत्र—उत्तर प्रदेश, बिहार, मध्यप्रदेश और राजस्थान के राज्य।
- (5) उत्तरी क्षेत्र—हरियाणा, हिमाचल प्रदेश, जम्मू और कश्मीर तथा पंजाब के राज्य और दिल्ली तथा छण्डीगढ़ के संघ राज्य-क्षेत्र।

[फा. 7/16/73-आई. जी. सी.]

आर. के. तलवार, अवर सचिव

MINISTRY OF LAW, JUSTICE & COMPANY AFFAIRS

(Department of Company Affairs)

New Delhi, the 1973.

CHARTERED ACCOUNTANTS

S.O. 1682.—In pursuance of clause (a) of sub-section (2) of section 9 of the Chartered Accountants Act, 1949, (38 of 1949) and in supersession of the notification of the Government of India in the late Ministry of Commerce and Industry (Department of Company Law Administration) No. S.O. 275, dated the 12th March, 1958, (as amended from time to time) the Central Government hereby specifies the following five regional constituencies w.e.f. 13th April 1873 for the purposes of elections to the Council of the Institute of Chartered Accountants of India under the said clause, namely :

Western Region :—

- (1) The States of Gujarat and Maharashtra and the Union Territories of Goa, Daman and Diu and Dadra and Nagar Haveli.

Southern Region :—

- (2) The States of Andhra Pradesh, Kerala, Mysore, Tamil Nadu and the Union Territories of Pondicherry and the Laccadive, Minicoy and Amindivi Islands.

Eastern Region :—

- (3) The States of Assam, Meghalaya, Nagaland, Orissa, West Bengal, Manipur and Tripura and the Union Territories of Arunachal Pradesh, Mizoram and the Andaman and Nicobar Islands.

Central Region :—

- (4) The States of Uttar Pradesh, Bihar, Madhya Pradesh and Rajasthan.

Northern Region :—

- (5) The States of Haryana, Himachal Pradesh, Jammu and Kashmir and Punjab and the Union Territories of Delhi and Chandigarh.

[F. 7/16/73-IGC]

R. K. TALWAR, Under Secy.

नई दिल्ली, 24 मई, 1973

का. आ. 1683.—एकाधिकार एवं निर्बन्धकारी व्यापार प्रथा अधिनियम, 1969 (1969 का 54) की धारा 26 की उप-धारा (3) के अनुसरण में, केन्द्रीय सरकार एडव्हिकार एसर्स नेशनल मशीनरी मैन्युफैक्चरर्स लिमिटेड के कार्यक्रम अधिनियम के अन्तर्गत पंजीकरण (पंजीकरण प्रमाण-पत्र संख्या 224/70 दिनांक 24 अक्टूबर 70) के निरस्तीकरण को अधिसूचित करती है।

[संख्या 22/48/72-एस (2)]

एस. बलरामन, अवर सचिव

New Delhi, the 24th May, 1973

S.O. 1683.—In pursuance of sub-section (3) section 26 of the Monopolies and Restrictive Trade Practices Act, (54 of 1969), the Central Government hereby notifies the cancellation of the registration of M/s. NATIONAL MACHINERY MANUFACTURERS LTD. under the said Act (Certificate of Registration No. 224/70 dated the 24th October, 1970).

[No. 22/48/72-M(II)]
S. BALARAMAN, Under Secy.

प्रिस्ट मंशालप

(राजस्व और धीमा विभाग)

नई दिल्ली, 3 मई, 1973

आष-कर

का. आ. 1684.—सर्वसाधारण की जानकारी के लिए यह अधिसूचित किया जाता है कि भारतीय कृषि अनुसन्धान परिषद, विश्व ग्राहिकारी द्वारा गीचे वीर्ण संस्था को, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (2) के प्रयोजनों के लिए वो वर्ष की अवधि के लिए अनुमोदित किया गया है। यह अधिसूचना 1 अप्रैल, 1973 से प्रभावी होगी।

संस्था

धर्मीसिंह एग्रिकल्चरल रिसर्च एण्ड डेवलपमेंट काउन्सिल
प्राइवेट लिमिटेड, मुम्बई।

[सं. 342—फा. सं. 203/17/73-आई. टी. ए. 2]

टी. पी. भन्द्रनवाला, उप-सचिव

MINISTRY OF FINANCE
(Department of Revenue & Insurance)

New Delhi, the 3rd May, 1973

INCOME-TAX

S.O. 1684.—It is hereby notified for general information that the institution mentioned below has been approved by Indian Council of Agricultural Research, the prescribed authority for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 for a period of two years. The notification takes effect from 1st April, 1973.

INSTITUTION

DHARMSINH AGRICULTURAL RESEARCH AND DEVELOPMENT FOUNDATION PVT. LTD., BOMBAY.

[No. 342—F. No. 203/17/73-ITA. II]

T. P. JHUNJHUNWALA, Dy. Secy.

नई दिल्ली, 11 मई, 1973

का. आ. 1685.—आय-कर अधिनियम, 1961 (1961 का 43) की धारा 2 के खण्ड (44) के उपखंड (3) क्षारा प्रदृष्ट शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, श्री कै. पी. पंडाकर का, जो केन्द्रीय सरकार के राजपर्चित अधिकारी है, उक्त अधिनियम के अधीन कर वसूली अधिकारी की शक्तियों का प्रयोग करने के लिए प्राधिकृत करती है।

2. यह अधिसूचना, जो अधिसूचना सं. 177 (फा. सं. 404/62/71-आई टी सी सी), तारीख 14-6-1971 का अधिकारी अधिकारी का प्रयोग करते हुए, सुरक्षा प्रवृत्त होगी।

फा. सं. 404/124/73-आई. टी. सी. सी. 1

एम. एम. नीम्बायर, अवर सचिव

New Delhi, the 11th May, 1973

S.O. 1685.—In exercise of the powers conferred by sub-clause (iii) of clause (44) of Section 2 of the Income-tax Act, 1961 (43 of 1961) the Central Government hereby authorises Shri K. P. Pandharkar, who is a Gazetted Officer of the Central Government, to exercise the powers of a Tax Recovery Officer under the said Act.

2. This notification which supersedes Notification No. 177(F. No. 404/62/71-ITCC) dated 14-6-1971 shall come into force with immediate effect.

[No. 349 (F. No. 404/124/73-ITCC)]
M. N. NAMBIAR, Under Secy.

नई दिल्ली, 16 जून, 1973

सीमा-शुल्क

का. आ. 1686.—सीमा-शुल्क अधिनियम, 1962 (1962 का 52) की धारा 7 के खण्ड (घ) इसारा प्रदृष्ट शक्तियों और इस निमित्त समर्थ बनाने वाली सभी अन्य शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, गोवा, दमण और दीव संघ राज्यक्षेत्र के दीव जिले में स्थित सिम्भार के पत्तन को भारत में सभी पत्तनों के साथ सट्टवर्ती माल में व्यापार करने के लिए सट्टवर्ती पत्तन के रूप में नियुक्त करती है।

[सं. 96 (फा. सं. 574/1/73 एल सी-2)]

कै. शंकररामन, अवर सचिव

New Delhi, the 16th June, 1973

CUSTOMS

S.O. 1686.—In exercise of the powers conferred by clause (d) of section 7 of the Customs Act, 1962 (52 of 1962) and of all other powers enabling hereunto the Central Government hereby appoints the port of Sinbhor situated in the District of Diu in the union territory of Goa, Daman and Diu to be coastal port for carrying on of trade in coastal goods with all ports in India.

[No. 96(F. No. 574/1/73-LCII)]
K. SANKARARAMAN, Under Secy.

(बैंकिंग विभाग)

नई दिल्ली, 29 मई, 1973

का. आ. 1687.—बैंकिंग विभाग अधिनियम, 1949 (1949 का 10वां) की धारा 56 के साथ परिवर्त धारा 53 इवारा प्रदृष्ट शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, एसडब्ल्यूआरा घोषणा करती है कि उक्त अधिनियम की धारा 11 की उपधारा (1) के उपबन्ध दी रबकवी अवन्न को-ऑपरेटिव बैंक लि., अर्बन पर 26 नवम्बर, 1971 से 29 सितम्बर, 1972 तक की अवधि के लिए लागू नहीं होंगे।

[सं. एक. 8/2/73-ए. सी.]
कृ. भवानी, अवर सचिव

(Department of Banking)

New Delhi, the 29th May, 1973

S.O. 1687.—In exercise of the powers conferred by section 53 read with section 56 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of sub-section (1) of section 11 of the said Act shall not apply to the Rabkavi Urban Co-operative Bank Ltd., Rabkavi, for the Period from 26 November 1971 to 29 September 1972.

[No. F. 8/2/73-AC]

का. आ. 1688.—बैंकिंग विभाग अधिनियम, 1949 (1449 का 10वां) की धारा 56 के साथ परिवर्त धारा 53 इवारा प्रदृष्ट शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, एसडब्ल्यूआरा घोषणा करती है कि उक्त अधिनियम की धारा 11 की उपधारा (1) के उपबन्ध दी भारत विभाग नागरिक सहकारी बैंक लि., पर 30 दिसम्बर, 1971 से 31 दिसम्बर, 1972 तक की अवधि के लिए लागू नहीं होंगे।

[सं. एक. 8/2/73-ए. सी.]
कृ. भवानी, अवर सचिव

S.O. 1688.—In exercise of the powers conferred by section 53 read with section 56 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India hereby declares that the provisions of sub-section (1) of section 11 of the said Act shall not apply to the Bhabar Vibhag Nagrik Sahakari Bank Ltd., for the period from 30th December 1971 to 31st December, 1972.

[No. F. 8/2/73. AC]
K. BAVANI, Under Secy.

रिजर्व बैंक भारत इंडिया

नई विल्सो, 4 जून, 1973

का० प्रा० 1689.—रिजर्व बैंक भारत इंडिया प्रधिनियम, 1934 के प्रनुभवण में मई 1973 की 25 तारीख को समाप्त हुये सप्ताह के लिये नेष्ट इण्डिया विभाग

देयताये	रुपये	रुपये	आस्तिया	रुपये	रुपये
बैंकिंग विभाग में रखे			सोने का सिक्का और शुल्क-		
हुये नोट	57,61,90,000		यन :—		
सचलन में नोट	5679,27,54,000		(क) भारत में रखा हुआ	182,53,11,000	
			(ख) भारत के बाहर रखा		
			हुआ		
			विवेशी प्रतिशूलिया	171,65,38,000	
जारी किये गये कुल नोट	5736,89,44,000		जोड़		354,18,49,000
			रुपये का सिक्का		3,35,63,000
			भारत सरकार की रुपया		
			प्रतिशूलिया		5379,35,32,000
			वेशी विनियम बिल और		
			और दूसरे वाणिज्य पत्र		
कुल देयताये	5736,89,44,000		कुल आस्तिया		5736,89,44,000

तारीख 30 मई, 1973

एम० जगन्नाथन, गवर्नर

25 मई, 1973 को रिजर्व बैंक भारत इंडिया के बैंकिंग विभाग के कार्यकलाप का विवरण

देयताये	रुपये	आस्तिया	रुपये
कुला पूजी	5,00,00,000	नोट	57,61,90,000
आर्थिक निधि	150,00,00,000	रुपये का सिक्का	5,00,000
राष्ट्रीय कृषिकरण		छोटा सिक्का	3,83,000
(दीर्घकालीन क्रियाये) निधि	209,00,00,000	खरीदे और भुनाये गये बिल	
राष्ट्रीय कृषि ऋण (स्थिरीकरण) निधि	45,00,00,000	(क) वेशी	16,54,23,000
राष्ट्रीय औद्योगिक ऋण (दीर्घकालीन क्रियाये) निधि	175,00,00,000	(ख) विवेशी	
जमाराशयां :—		(ग) सरकारी खजाना बिल	314,83,46,000
(क) सरकारी		विवेशों में रखा हुआ बकाया *	231,35,27,000
(i) केंद्रीय सरकार	46,86,30,000	विवेश**	228,98,98,000
(ii) राज्य सरकारे	6,27,79,000	ऋण और अग्रिम :—	
(ख) बैंक		(i) केंद्रीय सरकार को	
(i) अनुसूचित वाणिज्य बैंक	327,67,06,000	(ii) राज्य सरकारों को (ग)	132,75,01,000
(ii) अनुसूचित राज्य सहकारी बैंक	15,77,51,000	ऋण और अग्रिम :—	
(iii) गैर अनुसूचित राज्य महकारी बैंक	1,18,83,000	(i) अनुसूचित वाणिज्य बैंकों को	108,12,95,000
(iv) अन्य बैंक	63,16,000	(ii) राज्य सहकारी बैंकों को	212,03,21,000
		(iii) दूसरों को	4,70,22,000
		राष्ट्रीय कृषि ऋण (दीर्घकालीन क्रियाये) निधि से	
		ऋण, अग्रिम और निवेश	
		(क) ऋण और अग्रिम :—	
		(i) राज्य सरकारों को	65,51,66,000
		(ii) राज्य सहकारी बैंकों को	19,40,17,000
		(iii) केंद्रीय भूमिकान्धक बैंकों को	
		(iv) कृषि पुनर्वित्त निगम को	29,70,00,000
		(ख) केंद्रीय भूमिकान्धक बैंकों के छिंवेंचरों में	
		निवेश राष्ट्रीय कृषि ऋण (स्थिरीकरण) निधि	
		से ऋण और अग्रिम	11,24,73,000
(ग) अन्य	80,91,59,000	(ख) केंद्रीय भूमिकान्धक बैंकों को ऋण और अग्रिम	
देय बिल	83,19,27,000	राज्य सरकारी बैंकों को ऋण और अग्रिम	29,45,86,000
अन्य देयताये	473,36,92,000	राष्ट्रीय कृषि ऋण (दीर्घकालीन क्रियाये) निधि से ऋण और अग्रिम	95,09,36,000
		(क) विकास बैंक को ऋण और अग्रिम	
		(ख) विकास बैंक द्वारा जारी किये गये बाड़ों/	
		डिवेचर्चों में निवेश	
		अन्य आस्तियां	62,42,59,000
	रुपये	रुपये	
	1619,88,43,000		1619,88,43,000

*नकदी आवधिक जमा और अस्तकालीन प्रतिशूलिया शामिल है।

**राष्ट्रीय कृषि ऋण (दीर्घकालीन क्रियाये) निधि और राष्ट्रीय औद्योगिक ऋण (दीर्घकालीन क्रियाये) निधि में से किये गये निवेश शामिल नहीं है।

(ग) राष्ट्रीय कृषि ऋण (दीर्घकालीन क्रियाये) निधि से प्रश्न ऋण और अग्रिम शामिल नहीं है, परन्तु राज्य सरकारों की दिव्यों गये अस्त्वाई औद्योगिक ऋण शामिल है।

†रिजर्व बैंक भारत इंडिया प्रधिनियम की धारा 17(4)(ग) के अधीन अनुसूचित वाणिज्य बैंकों को भीयादी बिलों पर अग्रिम दिये गये 11,35,00,000 रुपये शामिल है।

‡राष्ट्रीय कृषि ऋण (दीर्घकालीन क्रियाये) निधि और राष्ट्रीय कृषि ऋण (स्थिरीकरण) निधि से प्रश्न ऋण और अग्रिम शामिल नहीं है।

तारीख 30 मई, 1973

एम० जगन्नाथन, गवर्नर

[म० फ० 1 (1)/73-ब०ओ०१]

च० व० मीरचन्द्रानी, अवर सचिव

RESERVE BANK OF INDIA

New Delhi, the 4th June, 1973

S. O. 1689.—An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 25th day of May, 1973
ISSUE DEPARTMENT

Liabilities	Rs.	Assets	Rs.
Notes held in the Department	Banking 57,61,90,000	Gold Coin and Bullion : (a) Held in India 182,53,11,000	
Notes in circulation	5679,27,54,000	(b) Held outside India 171,65,38,000	
Total Notes issued	5736,89,44,000	Foreign Securities	
		Total Rupee Coin 354,18,49,000	3,35,63,000
		Government of India Rupee Securities 5379,35,32,000	
		Internal Bills of Exchange and other commercial paper	
Total Liabilities	5736,89,44,000	Total Assets	5736,89,44,000

Dated the 30th Day of May, 1973.

S. JAGANNATHAN, Governor

Statement of the Affairs of the Reserve Bank of India, Banking Department as on the 25th May, 1973

Liabilities	Rs.	Assets	Rs.
Capital Paid up	5,00,00,000	Notes	57,61,90,000
Reserve Fund	150,00,00,000	Rupee Coin	5,00,000
National Agricultural Credit (Long Term Operations) Fund	209,00,00,000	Small Coin	3,83,000
National Agricultural Credit (Stabilisation) Fund.	45,00,00,000	Bills Purchased and Discounted : (a) Internal	16,54,23,000
National Industrial Credit (Long Term Operations) Fund	175,00,00,000	(b) External	314,83,46,000
Deposits :		(c) Government Treasury Bills	231,35,27,000
(a) Government		Balances Held Abroad*	228,98,98,000
(i) Central Government	46,86,30,000	Investments**	
(ii) State Governments	6,27,79,000	Loans and Advances to :	
(b) Banks		(i) Central Government	132,75,01,000
(i) Scheduled Commercial Banks	327,67,06,000	(ii) State Governments@	
(ii) Scheduled State Co-operative Banks	15,77,51,000	(iii) Scheduled Commercial Banks†	108,12,95,000
(iii) Non-Scheduled State Co-operative Banks	1,18,83,000	(iv) State Co-operative Banks†	212,03,21,000
(iv) Other Banks	63,16,000	(v) Others	4,70,22,000
(c) Others		Loans Advances and Investments from National Agricultural Credit (Long Term Operations) Fund	
Bills Payable	80,91,59,000	(a) Loans and Advances to :	
Other Liabilities	83,19,27,000	(i) State Governments	65,51,66,000
	473,36,92,000	(ii) State Co-operative Banks	19,40,17,000
		(iii) Central Land Mortgage Banks	29,70,00,000
		(iv) Agricultural Refinance Corporation	
		(b) Investment in Central Land Mortgage Bank Debentures	11,24,73,000
		Loans and Advances from National Agricultural Credit (Stabilisation) Fund	
		Loans and Advances to State Co-operative Banks	
		Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund	
		(a) Loans and Advances to the Development Bank	
		(b) Investment in bonds/debentures issued by the Development Bank	95,09,36,000
		Other Assets	62,42,59,000
Rupees	1619,88,43,000	Rupees	1619,88,43,000

*Includes Cash, Fixed Deposits and Short-term Securities.

**Excluding Investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

@Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

†Includes Rs. 11,35,00,000 advanced to scheduled commercial banks against usance bills under Section 17(4)(c) of the Reserve Bank of India Act.

‡Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 30th day of May, 1973.

S. JAGANNATHAN, Governor.

[No. F. 1 (1)/73 B.O.-I]

C. W. MIRCHANDANI, Under Secy.

वायुसंपर्क मंत्रालय

नई दिल्ली, 29 मई, 1973

का. आ. 1690 [सी. पी. ई. आ./4/73].—उत्प्रवासन अधिनियम, 1922 (1922 का सातवा) की धारा प्रदत्त अधिकारों का प्रयोग करते हुए केंद्र सरकार इसके द्वारा श्री बी. बी. एस. राव के अवकाश पर अनुप्रस्थित रहने के समय मंडपम कैम्प तथा दूसरी कार्रिम के उत्प्रवासी संरक्षक श्री एच कार्लिम खां को 4 मई, 1973 के पूर्वाहन से उनकी अपनी छपूटी के अतिरिक्त नागपट्टनम् । के उत्प्रवासी संरक्षक के रूप में भी नियुक्त करती है।

[सं. फा. 3 (24)बी-चार/60]

श्री. बी. रामकृष्ण राव, अवर सचिव

MINISTRY OF EXTERNAL AFFAIRS

New Delhi, the 29th May, 1973

S.O. 1690 [CPEO/4/73].—In exercise of the powers conferred by Section 3 of the Emigration Act, 1922 (VII of 1922), the Central Government hereby appoints Shri H. Kasim Khan, Protector of Emigrants, Mandapam Camp & Tuticorin, to be Protector of Emigrants, Nagapattinam, in addition to his own duties with effect from the forenoon of the 4th May, 1973, during the absence on leave of Shri B. V. S. Rao.

[No. F. 3(24)V. IV/60]
T. V. RAMAKRISHNA RAO, Under Secy.

वायुसंपर्क मंत्रालय

आपैश

नई दिल्ली, 16 जून, 1973

का. आ. 1691.—यह: केंद्रीय सरकार की राय है कि नियर्ति (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत के नियर्ति व्यापार के विकास के लिए ऐसा करना आवश्यक और समीचीन है कि वायु-संपर्क नियर्ति से पूर्व क्वालिटी नियंत्रण और निरीक्षण के अधीन होंगे।

और यह: केंद्रीय सरकार ने उक्त प्रयोजन के लिए नीचे विनिर्दिष्ट प्रस्ताव बनाए हैं और उन्हें नियर्ति (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम 11 के उपनियम (2) द्वारा यापीकृत नियर्ति निरीक्षण परिषद् को भेज दिया है;

अतः अब, उक्त उपनियम के अनुसरण में, केंद्रीय सरकार उक्त प्रस्तावों को उनसे संभाव्यतः प्रभावित होने वाले व्यक्तियों की जानकारी के लिए प्रकाशित करती है।

2. यह सूचना दो जाती हैं कि यदि कोई व्यक्ति उक्त प्रस्तावों के धारों में कोई आश्वेष या सूक्ष्म भेजना चाहे तो वह उन्हें इस आवेदन के राजपत्र में प्रकाशन की तारीख से तीस दिन के अन्दर नियर्ति निरीक्षण परिषद्, "वर्ल्ड ट्रेड सेंटर", 141 बी, एजरा स्ट्रीट, (7वीं मंजिल), कलकत्ता-1 को भेज सकता है।

प्रस्ताव

(1) यह अधिसूचित करना कि वायु-संपर्क नियर्ति से पूर्व क्वालिटी नियंत्रण और निरीक्षण के अधीन होंगे;

(2) क्वालिटी नियंत्रण और निरीक्षण के प्रकार को इस आवेदन के उपांचंद्र में दिये गए वायु-संपर्क नियर्ति (क्वालिटी नियंत्रण

और निरीक्षण) नियम, 1973 के प्रारूप के अनुसार क्वालिटी नियंत्रण और निरीक्षण के उस प्रकार के रूप में विनिर्दिष्ट करना जो ऐसे वायु-संपर्कों का नियर्ति तो पूर्व लागू होगा;

(3) भारतीय या किसी भी अन्य राष्ट्रीय मानक का वायु-संपर्कों के लिए मानक विनिर्देश के रूप में मान्यता देना;

(4) ऐसे वायु-संपर्क के अंतर्राष्ट्रीय व्यापार के लाइंगन नियर्ति का तब तक प्रतिषेध करना जब तक कि उसके साथ नियर्ति (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 के अधीन स्थापित किसी भी नियर्ति निरीक्षण अभिकरण द्वारा दिया गया इस आशय का प्रभाग पश्च न हो कि वायु-संपर्कों का परेषण उसके क्वालिटी नियंत्रण और निरीक्षण से संबंधित शातांकों का पूरा करता है और वह नियर्ति-योग्य है।

3. इस आदेश में, "वायु-संपर्क" रो ऐसा यंत्र अभिप्रेत है जो अस्तित्व मान्य वायुमण्डलीय द्वाव से वायु को भीतर संपर्कता है और उच्चतर द्वाव के साथ उसको छोड़ता है, किन्तु इसके अन्तर्गत नियर्तक या नियर्ति पंथ नहीं है।

उपांचंद्र

नियर्ति (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 के अधीन बनाए जाने के लिए प्रस्थापित प्रारूप-नियम।

1. संीक्षण नाम और प्रारम्भ.—(1) इस नियमों का नाम वायु-संपर्क नियर्ति (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1973 है।

(2) ये को प्रवृत्त होंगे।

2. परीभाषा—इन नियमों में, जब तक संदर्भ के अन्यथा अपीकृत न हो :-

(क) "अधिनियम" से नियर्ति (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) अभिप्रेत है,

(ख) "अभिकरण" से केंद्रीय सरकार द्वारा अधिनियम की धारा 7 के अधीन कांचीन, मद्रास, कलकत्ता, मुम्बई या दिल्ली में स्थापित नियर्ति निरीक्षण अभिकरणों में से कोई एक अभिप्रेत है,

(ग) "वायु-संपर्क" से ऐसा यंत्र अभिप्रेत है जो आरंभिक सामान्य वायुमण्डलीय द्वाव से वायु को भीतर संपर्कता है और उच्चतर द्वाव के साथ उसको छोड़ता है, किन्तु इसके अन्तर्गत नियर्तक या नियर्ति पंथ नहीं है।

3. क्वालिटी नियंत्रण और निरीक्षण—(1) वायु-संपर्कों की क्वालिटी इन नियमों से उपबन्ध साझी में विनिर्दिष्ट नियंत्रण के स्तरों सहित उपनियम (2) में विनिर्दिष्ट विनिर्माण के विभिन्न प्रकारों पर नियंत्रणों का प्रयोग करके संनिश्चित की जाएगी;

(2) उपनियम (1) में विभिन्न विनिर्माण उत्पादन के विभिन्न प्रकारों पर नियंत्रण निम्नलिखित नियंत्रण होंगे, अर्थात् :-

(1) खरीदा गया सामान और पटक नियंत्रण—(क) कथ विनिर्देश, विनिर्माण द्वारा प्रयुक्त किए जाने वाले सामान या घटकों के गृहों तथा सहायताओं सहित

(ख) स्वीकृत परेषणां के साथ या तो उत्पादक का क्रय विनिर्देशों की अपेक्षाओं की पूर्ण करते हुए परीक्षण परेषण-प्रमाण-पत्र होगा या ऐसे परीक्षण प्रमाणपत्र के न होने पर प्रत्येक परेषण से नमूनों के परीक्षण क्रय विनिर्देशों से उस की अनुरूपता की जांच करने के लिए नियमित रूप से किया जाएगा। उत्पादक के परीक्षण प्रमाण-पत्रों की शुद्धित जागते के लिए उनकी कम से कम पांच परेषणों की बीच एक बार प्रति-जांच की जाएगी।

(ग) आने वाले परेषणों की, सार्विकीय नमूना घोजना और लिए क्रय विनिर्देशों रो अनुरूपता सुनिश्चित करने के लिए निरीक्षण और परीक्षण किया जाएगा।

(घ) निरीक्षण तथा परीक्षण कर लिए जाने के पश्चात्, शुद्धित परेषण के उचित पृथक्करण और उन्हें निगरानी के लिए व्यवस्थित पद्धति अपनायी जाएगी।

(ङ) उपर्युक्त नियंत्रणों के संबंध में पर्याप्त अभिलेख व्यस्थित रूप से रखे जाएंगे।

(१) प्रक्रम नियंत्रण :—(क) विनिमाण के विनियोग प्रक्रमों के लिए विनिमत्तियों क्वाग विस्तृत प्रक्रम विनिर्देश बनाए जाएंगे।

(ख) प्रक्रम विनिर्देशों में दिए गए प्रक्रमों के नियंत्रण के लिए उपस्कर/उपकरणों की पर्याप्त सुविधा होगी।

(ग) विनिमाण के प्रक्रम के दौरान प्रयोग किए गए नियंत्रणों की जांच को सुलभ बनाने के लिए पर्याप्त अभिलेख रखे जाएंगे।

(३) उत्पाद नियंत्रण :—(क) विनिमत्ति के पास मानक विनिर्देश के अनुसार उत्पाद का परीक्षण करने की या तो स्वयं की परीक्षण की सुविधाएं होंगी या अन्यथा जहाँ ऐसे परीक्षण की सुविधा नहीं वहाँ तक उसकी पहुंच होगी। इसके लिए पर्याप्त अभिलेख रखे जाएंगे।

(ख) प्रत्येक संयोजन की निधारित निरीक्षण परीक्षण सूची के अनुसार जांच की जाएगी।

(४) भाषण-विकल्प संबंधी नियंत्रण :—उत्पादन और निरीक्षण में प्रयुक्त मापकों और उपकरणों की कालिक जांच/अंश-शोधन किया जाएगा और पृष्ठपत्र के रूप में उसके अभिलेख रखे जाएंगे।

(५) पैकिंग नियंत्रण :—पैकिंग विनिर्देश निधारित किया जाएगा। पैकेज अच्छी फिनिश वाले और अच्छी दर्शनीयता लिए होंगे। उनका निम्नलिखित परीक्षण भी किया जाएगा, अर्थात् :—

(क) लड्डकन परीक्षण :—पैकेज को एक और 6 मीटर आगे और 6 मीटर पीछे की ओर या केवल एक ही ओर 12 मीटर तक लड्डकाया जाएगा और न तो स्वयं उसकी ओर न उसमें रखी वस्तु की ही कोई हानि हो।

(ख) जलफ़ा और परीक्षण :—पैकेज पर अक्समात् होने वाली साधारण घरसाती बौछार के बराबर पानी की बौछार पांच मिनट तक की जाएगी और उसमें रखी वस्तु पर उसका कोई प्रभाव नहीं होना चाहिए।

(ग) निरीक्षण :—नियासि किए जाने वाले वायू-संपीड़कों का निरीक्षण यह धूखने के लिए किया जाएगा तिन उप-नियम (२); भौं विनिर्देश नियंत्रणों का सुसंगत स्तरों पर संतोषजनक प्रयोग किया गया है और वायू-संपीड़क मानक विनिर्देशों के अनुरूप है।

४. निरीक्षण की प्रीक्षा :—(१) निर्यात-कर्ता उस अभिकरण को, जिस की अधिसारिता में वह कारखाना पढ़ाता है जिससे नियासि किया जाता है, लिखित सूचना देगा और ऐसी सूचना के साथ हस आशय का घोषणा-पत्र भी देगा कि वायू-संपीड़कों का परेषण नियम ३ में विनिर्देश नियंत्रणों के अनुसार क्वालिटी नियंत्रण उपायों का प्रयोग करके विनिर्मित किया गया है या किया जा रहा है और परेषण इस प्रयोजन के लिए मान्यताप्राप्त विनिर्देशों की अपेक्षाओं के अनुरूप है। संविदात्मक अनुबंधों का पूरा विवरण, जब कभी भी अपेक्षित हो अभिकरण को सुलभ किया जाएगा।

(२) निर्यात-कर्ता वा विनिमत्ति परेषण पर लगाया जाने वाला पात्र-परिवहन पहचान-प्रमाण भी अभिकरण को देगा।

(३) उप-नियम (१) के अधीन प्रत्येक सूचना और घोषणा-पत्र विनिमत्ति के परिसर से परेषण के भेजे जाने से कम से कम दस दिन पहले अभिकरण के कारबिला में पहुंच जाना चाहिए।

(४) उप-नियम (१) और (२) के अधीन सूचना और घोषणा पत्र प्राप्त होने पर अभिकरण, अपना यह समाधान ही जाने पर दिए विनिर्माण के प्रक्रम के द्वारा नियम ३ में विनिर्देश पर्याप्त क्वालिटी नियंत्रणों का प्रयोग किया गया है, और परेषण की मानक विनिर्देशों से अनुरूपता सुनिश्चित करने के लिए और भी निरीक्षण वा परीक्षण करने के पश्चात १० दिन के भीतर हस आशय का प्रमाण-पत्र देगा कि परेषण क्वालिटी नियंत्रण तथा निरीक्षण से संबंधित शर्तों को पूरा करता है, और नियति-योग्य है। जब कभी भी अभिकरण इतारा अपेक्षा की जाए, निर्यात-कर्ता अपने कारखाने/गोदान में से वायू-संपीड़कों के नमूने निःशुल्क देगा। तथापि, आवश्यक निरीक्षण तथा परीक्षण करने के पश्चात अभिकरण इतारा नमूने लौटा दिए जाएंगे :

परन्तु, जहाँ अभिकरण का इस प्रकार समाधान नहीं होता है वह उक्त घस दिन की अवधि के भीतर ऐसा प्रमाण-पत्र वर्तमान से इंकार कर देगा तथा ऐसी इंकारी के कारण दौसे हुए उस की संसूचना निर्यात-कर्ता को देगा।

५. निरीक्षण का स्थल :—इन नियमों के अन्तर्गत प्रत्येक निरीक्षण विनिमत्ति के परिसर पर किया जाएगा।

६. निरीक्षण-फीस :—पात्र-परिवहन-निःशुल्क-मूल्य के १ प्रतिशत की दर से फीस, जो कि कम से कम एक सौ रुपये होगी। निर्यात-कर्ता इतारा अभिकरण को निरीक्षण फीस के रूप में दी जाएगी।

७. अपील :—(१) नियम ४ के उप-नियम (४) के अधीन अभिकरण द्वारा प्रमाण-पत्र देने से इंकार कर दिए जाने वाले व्यापित कार्ह्यक्रम, उसके इतारा ऐसी इंकारी संसूचना प्राप्त करने के १० दिन के भीतर विशेषज्ञों के पैनल को अपील कर सकता है जिसमें कम से कम तीन व्यापित ऐसे होंगे जो केन्द्रीय सरकार इतारा इस प्रयोग-जनार्थ नियुक्त किए गए हैं।

(२) विशेषज्ञों के पैनल का अधिकारेशन करने के लिए उसके तीम विशेषज्ञों से गणपूर्वी होगी।

(३) ऐसी अपील पर उक्त पैनल का विनिश्चय अंतिम होगी।

सारणी
नियन्त्रण के स्तर
(नियम 3 में वेखिए)

क्रम सं०	नियन्त्रण/परीक्षण की विशिष्टियाँ	प्रयोगशाला	तमूने का आकार	लॉट आकार
1	2	3	4	5
I	परीक्षण गया सामान और घटक	प्रयोजन के लिए मान्यता प्राप्त मानक	प्रत्येक	प्रत्येक
(क)	दृष्टिगत नियन्त्रण (कार्य-कौशल और परिसाधन विनिर्देशों के अनुसार सहित)	यथोक्त	प्रत्येक	प्रत्येक लॉट
(ख)	संषाताएं सहित विमाएं (i) महत्वपूर्ण (ii) अन्य	यथोक्त	प्रत्येक अभिलिखित अन्वेषण के आधार पर निश्चित किया जाएगा	प्रत्येक लॉट
(ग)	कोई अन्य अपेक्षा	यथोक्त	यथोक्त	प्रत्येक लॉट
II	विभिन्नता घटक और उप-संयोजन	इस प्रयोजन के लिए मान्यता प्राप्त मानक विनिर्देशों के अनुसार	प्रत्येक	प्रत्येक
(क)	दृष्टिगत नियन्त्रण (कार्य-कौशल और परिसाधन सहित)	यथोक्त	प्रत्येक	प्रत्येक
(ख)	संषाताएं सहित विमाएं (i) महत्वपूर्ण (ii) अन्य	यथोक्त	प्रत्येक अभिलिखित अन्वेषण के आधार पर विनिश्चित किया जाएगा	प्रत्येक बैच
(ग)	कोई अन्य अपेक्षा	यथोक्त	यथोक्त	प्रत्येक बैच
III	संयोजन			
(क)	कार्य-कौशल और परिसाधन	यथोक्त	प्रत्येक	प्रत्येक
(ख)	परीक्षण (i) साक्षात्रण चालन परीक्षण (ii) कार्य-परीक्षण (म्र) क्षमता (निकासी) (मा) आपेक्षिक विष्युत-शक्ति खपत (विष्युत चालित सपीड़कों की दशा में) आपेक्षिक हृष्टन खपत (अन्य चालितों की दशा में)	यथोक्त	प्रत्येक	प्रत्येक
(iii)	विशेषताओं का अवधारण	यथोक्त	प्रत्येक	प्रत्येक
प्रकार परीक्षण				
(i)	यानिक परीक्षण (सहनशक्ति परीक्षण के सिवाय)	यथोक्त	एक	महीने में एक बार
(ii)	बिना लोड से पूरे लोड तक विभिन्न लोडों पर विशेष विष्युत-शक्ति की खपत	यथोक्त	एक	यथोक्त
(iii)	यह की प्रायतनी और समय कार्य क्षमता	यथोक्त	एक	यथोक्त
(iv)	स्नेहक रेस की खपत	यथोक्त	एक	यथोक्त
(v)	लोडिंग तथा बिना लोडिंग का यंत्र शिथा विधि परीक्षण	यथोक्त	एक	यथोक्त
(vi)	शीतक पानी का प्रवाह, यदि लागू हो, ताप-मान से चुंबि सहित	यथोक्त	एक	यथोक्त
(vii)	सहन शक्ति परीक्षण	यथोक्त	एक	यथोक्त
IV	परिसरक			
(क)	विष्युत-लेपन (i) आसन्नजन (ii) मोटाई (iii) सक्षात्रण प्रतिरोध	यथोक्त	एक	प्रत्येक बैच का उत्पादन
(ख)	टैप-लेपन (i) नग्नता तथा आसन्नजन (ii) खरोच वृक्ता (iii) सक्षात्रण प्रतिरोध (iv) ताप प्रतिरोध	यथोक्त	एक	यथोक्त
V.	ऐक्जिं			
(क)	सुषुकन परीक्षा	यथोक्त	1 पैकेज	प्रत्येक परेषण
(ख)	जल फूहार परीक्षा	यथोक्त	यथोक्त	प्रत्येक डिजाइन

[पृष्ठ 6 (37)/72-सिंचि० और निं०स०]

**MINISTRY OF COMMERCE
ORDER**

New Delhi, the 16th June, 1973

S.O. 1691.—Whereas the Central Government is of the opinion that, in exercise of the powers conferred by section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), it is necessary and expedient so to do for the development of export trade of India that air compressors shall be subject to quality control and inspection prior to export;

And whereas the Central Government has formulated the proposals specified below for the said purpose and has forwarded the same to the Export Inspection Council, as required by sub-rule (2) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964;

Now, therefore, in pursuance of the said sub-rule, the Central Government hereby publishes the said proposals for the information of the public likely to be affected thereby.

2. Notice is hereby given that any person desiring to forward any objections or suggestions with respect to the said proposals may forward the same, within thirty days of the date of publication of this order in the Official Gazette, to the Export Inspection Council, "World Trade Centre", 14/1-B, Ezra Street, 7th floor, Calcutta-1.

PROPOSALS

(1) To notify that air compressors shall be subject to quality control and inspection prior to export;

(2) To specify the type of quality control and inspection in accordance with the draft Export of Air Compressors (Quality Control and Inspection) Rules, 1973, set out in the Annexure to this Order as the type of quality control and inspection which shall be applied to such air compressors prior to export;

(3) To recognise the Indian or any other national standard as the standard specification for air compressors;

(4) To prohibit the export, in the course of international trade of such air compressor unless the same is accompanied by a certificate issued by any of the Export Inspection Agencies established under section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963) to the effect that the consignment of air compressors satisfied the conditions relating to its quality control and inspection and is export-worthy.

3. In this order "air compressor" means a machine which draws in air from an initial near atmospheric pressure and delivers it at higher pressure, but shall not include an exhauster or vacuum pump.

ANNEXURE

Draft rules proposed to be made under section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963).

1. **Short title and commencement.**—(1) These rules may be called the Export of Air Compressors (Quality Control and Inspection) Rules, 1973.

(2) They shall come into force on the

2. **Definitions.**—In these rules, unless the context otherwise requires;

(a) "Act" means the Export (Quality Control and Inspection) Act, 1963 (22 of 1963);

(b) "agency" means any one of the Export Inspection Agencies established by the Central Government at Cochin, Madras, Calcutta, Bombay or Delhi under section 7 of the Act;

(c) "air compressor" means a machine which draws in air from an initial near atmospheric pressure and delivers it at higher pressure but shall not include an exhauster or vacuum pump.

3. Quality Control and Inspection.—(1) The quality of the air compressors shall be ensured by exercising the controls at different stages of manufacture specified in sub-rule (2) together with the levels of control specified in the Table annexed to these rules;

(2) The controls at different stages of manufacture mentioned in sub-rule (1) shall be the following controls, namely:—

(i) **Brought out materials and components control :**

- (a) Purchase specifications shall be laid down by the manufacturer incorporating the properties of materials or components used and the detailed dimensions thereof with tolerances.
- (b) The accepted consignments shall be either accompanied by a producer's test certificate corroborating the requirement of the purchase specifications or in the absence of such test certificates, samples from each consignment shall be regularly tested to check up its conformity to the purchase specifications. The producer's test certificates shall be counter-checked at least once in five consignments to verify the correctness.
- (c) The incoming consignments shall be inspected and tested for ensuring conformity to purchase specifications against statistical sampling plan.
- (d) After the inspection and tests are carried out, systematic methods shall be adopted for proper segregation and disposal of defectives.
- (e) Adequate records in respect of the above mentioned controls shall be systematically maintained.

(ii) **Process Control :**

- (a) Detailed process specifications shall be laid down by the manufacturers for various processes of manufacture.
- (b) Equipment/instrumentation facilities shall be adequate to control the processes as laid down in the process specifications.
- (c) Adequate records shall be maintained to enable the verification of the controls exercised during the process of manufacture.

(iii) **Product Control :**

- (a) The manufacturer shall either have his own testing facilities or shall have access to such testing facilities existing elsewhere to test the product as per the standard specification. Adequate records thereof shall be maintained.
- (b) Each and every assembly shall be checked against a laid down inspection check list.

(iv) **Metrological Control :**

Gauges and instruments used in the production and inspection shall be periodically checked/calibrated and records shall be maintained in the form of history cards.

(v) **Packing Control :**

A packing specification shall be laid down. The packages shall be well finished and shall have good presentability. They shall also withstand the following tests, namely:—

- (a) **Rolling test.**—The package shall be subject to rolling on its sides either 6 metres forward and 6 metres backward or 12 metres in one direction only and shall not cause any damage to either itself or its contents.
- (b) **Water spraying test.**—The package shall be allowed to be exposed against a water spray equivalent to a normal sudden monsoon shower for five minutes and the contents inside shall not be affected.

(3) **Inspection.**—The inspection of air compressors intended for export shall be carried out with a view to seeing that the controls specified in sub-rule (2) have been exercised at the relevant levels satisfactorily and the air compressors conform to the standard specifications.

(4) **Procedure of inspection.**—(1) The exporter shall give intimation in writing the agency under whose jurisdiction the factory, from which it is intended to export, falls and submit alongwith such intimation a declaration that the consignment of air compressors has been or is being manufactured by exercising quality control measures as per controls referred to in rule 3 and that the consignment conforms to the requirements of the specifications recognised for this purpose. Complete details of contractual stipulations be made available to the agency whenever required.

(2) The exporter or manufacturer shall also furnish to the agency the shipping marks of identification applied on the consignment.

(3) Every intimation and declaration under sub-rule (1) shall reach the office of the agency not less than ten days prior to the despatch of the consignments from the manufacturer's premises.

(4) On receipt of the intimation and declaration under sub-rules (1) and (2), the agency, on satisfying itself that during the process of manufacture, adequate quality controls, specified in rule 3 have been exercised and after further inspection or testing to ensure conformity of the consignment to the standard specifications, shall, within ten days, issue a

certificate that the consignment satisfies the conditions relating to quality control and inspection and is export-worthy. As and when required by the agency, the exporter shall supply free of charge samples of air compressors from his factory/godown. The samples shall, however, be returned by the agency after necessary inspection and testing:

Provided that where the agency is not so satisfied, it shall, within the said period of ten days, refuse to issue such certificate and communicate such refusal to the exporter alongwith the reasons therefor.

5. Place of inspection.—Every inspection under these rules shall be carried out at the premises of the manufacturer.

6. Inspection fee.—A fee at the rate of 1 per cent of f.o.b. value subject to a minimum of rupees one hundred shall be paid by the exporter to the agency as inspection fee.

7. Appeal.—(1) Any person aggrieved by the refusal of the agency to issue a certificate under sub-rule (4) of rule 4, may within ten days of the receipt of the communication of such refusal by him, prefer an appeal to a panel of experts consisting of not less than three persons appointed for the purpose by the Central Government.

(2) The quorum to constitute a meeting of the panel of experts shall be of its three experts.

(3) The decision of the said panel of experts on such appeal shall be final.

TABLE

Levels of Control

(See rule 3)

S. No.	Particulars of inspection/test	Requirement	Sample size		Lot size
			3	4	
I	Bought out materials & components	As per standard specification recognised for the purpose		Each	Each
	(a) Visual inspection (including workmanship and finish)				
	(b) Dimensions with tolerances				
	(i) Critical	-do-		Lach	
	(ii) Others	-do-	To be fixed on the basis of recorded investigation		Each lot
	(c) Any other requirement	do-	-do-		Each lot
II.	Manufactured components and sub assembly				
	(1) Visual inspection (including workmanship and finish)	As per standard specifications recognised for the purpose		Each	Each
	(b) Dimensions with tolerances				
	(i) Critical	-do-		Each	
	(ii) Others	-do-	To be fixed on the basis of recorded investigation		Each batch
	(c) Any other requirement	-do-	-do-		Each batch
III.	Assembly				
	(a) Workmanship and finish	-do-		Each	Each
	(b) Tests	-do-		Each	Each
	(i) General running test	-do-		Each	Each
	(ii) Performance test	-do-	At full load	Each	Each
	(a) Capacity (output)			Each	Each
	(b) Specific power consumption (in the case of electrically driven compressors), specific fuel consumption, (with other drives)			Each	Each
	(iii) Determination of the characteristics	-do-		Each	Each
Type Test					
	(i) Mechanical test (except endurance test)	-do-		One No.	Once in a month
	(ii) Specific power consumption at various loads from no load to full load	-do-		One No.	-do-
	(iii) Volumetric and overall efficiency of mechanism	-do-		One No.	-do-
	(iv) Lubricating oil consumption	-do-		One No.	-do-
	(v) Testing of loading and unloading mechanism	-do-		One No.	Once in a month
	(vi) Flow of cooling water, if applicable, with rise in temperature	-do-		One No.	-do-
	(vii) Endurance test	-do-		One No.	Once in a year

1	2	3	4	5
IV. Preservation				
(a) Electroplating	:	.do-	One No.	Each batch's production
(i) Adhesion	:	do-	One No.	-do-
(ii) Thickness	:	-do-	One No.	-do-
(iii) Corrosion resistance	:	.	One No.	
(b) Painting	:	.do-	One No.	Each mix prepared
(i) Flexibility & adhesion	:	-do-	One No.	-do-
(ii) Scratch hardness	:	-do-	One No.	-do-
(iii) Corrosion resistance	:	-do-	One No.	Each consignment of
(iv) Resistance to heat	:	-do-	One No.	paint purchased
V. Packing				
(a) Rolling test	:	-do-	1 package	Each consignment.
(b) Water spraying test	:	-do-	-do-	Each design.

No. 6(57)/72-EI&EP.

नई दिल्ली, 16 जून, 1973

आवेदन

का. आ.1692.—यतः भारत के नियर्ति व्यापार के विकास के लिए भारत सरकार के वाणिज्य मंत्रालय की कार्बनिक सायानों से संबंधित अधिसूचना सं. का. आ. 1197, तारीख 15 अप्रैल, 1966 में संशोधन करने के लिए कठितप्रय प्रसादात नियर्ति (क्वारीलटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम 11 के उप-नियम (2) इवारा यथापौर्वक भारत सरकार के भूतपूर्व विवृद्ध व्यापार मंत्रालय की अधिसूचना सं. का. आ. 2361, सा. 3 जुलाई, 1970 के अधीन भारत के राजपत्र, असाधारण, भाग 2, संग्रह 3, उपखंड (2), तारीख 3 जुलाई, 1970 के पृष्ठ 1045 पर प्रकाशित रिकार्ड गए थे,

और यतः उससे संभाव्यतः प्रभावित होने वाले सभी व्यक्तियों से 2 सितम्बर, 1970 तक आक्षेप और सुझाव मांगे गए थे;

और यतः उक्त राजपत्र की प्रतियां जनता के 3 जुलाई, 1970 को उपलब्ध करा दी गई थीं।

और यतः उक्त प्राप्ति पर जनता से प्राप्त आक्षेपों और सुझावों पर कन्वीय सरकार इवारा विचार कर लिया गया है,

अब, अतः, नियर्ति (क्वारीलटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 6 इवारा प्रदर्श शक्तियों का प्रयोग करते हुए कन्वीय सरकार, नियर्ति निरीक्षण परिषद् से परामर्श करने के पश्चात, यह राय होने पर कि भारत के नियर्ति व्यापार के विकास के लिए ऐसा करना आवश्यक और समीक्षीय है, भारत सरकार के वाणिज्य मंत्रालय की अधिसूचना सं. 1197, ता. 15 अप्रैल, 1966 में निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त अधिसूचना की अनुसूची में क्रम सं. 10 तथा तत्संबंधित प्रविष्टि के स्थान पर निम्नलिखित रखा जाएगा, अर्थात् :—

“10 सौडायम साइट्रेट (अ-भेषजीय)”

[सं. 6(3)/73-नि. नि. और नि. सं.]

ORDER

S.O. 1692.—Whereas for the development of export trade of India certain proposals for amending the notification of the Government of India in the Ministry of Commerce, No. S.O. 1197, dated the 15th April, 1966, regarding Organic Chemicals were published as required by sub-rule (2) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964, at page 1045 of the Gazette of India, Extraordinary, Part II-Section 3—Sub-section (ii), dated the 3rd July, 1970, under the notification of the Government of India in the late Ministry of Foreign Trade, No. S.O. 2361, dated the 3rd July, 1970;

And whereas objections and suggestions were invited till the 2nd September, 1970, from all persons likely to be affected thereby;

And whereas copies of the said Gazette were made available to the public on the 3rd July, 1970;

And whereas the objections and suggestions received from the public on the said draft have been considered by the Central Government;

Now, therefore, in exercise of the powers conferred by section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government, after consulting the Export Inspection Council, being of opinion that it is necessary and expedient so to do for the development of the export trade of India, hereby makes the following amendment to the notification of the Government of India in the Ministry of Commerce, No. S.O. 1197, dated the 15th April, 1966, namely :—

In the Schedule to the said notification, for Serial No. 10 and the entry relating thereto, the following shall be substituted, namely :—

“10. Sodium Citrate (non-pharmacopoeial).”

[No. 6 (3)/73-EI&EP]

का. आ. 1693.—नियर्ति (क्वारीलटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 इवारा प्रदर्श शक्तियों का प्रयोग करते हुए कन्वीय सरकार, कार्बनिक सायानों का नियर्ति (निरीक्षण) नियम, 1966 में और संशोधन करने के लिए निम्नलिखित नियम बनाती है अर्थात् :—

1. इन नियमों का नाम कार्बनिक सायानों का नियर्ति (निरीक्षण) कन्वीय संशोधन नियम, 1973 है।

2. कार्बनिक सायानों का नियर्ति (निरीक्षण) नियम, 1966 की अनुसूची में क्रम सं. 10 और तत्संबंधित प्रविष्टि के स्थान पर निम्नलिखित रखा जाएगा, अर्थात् :—

“10-सौडायम साइट्रेट (अ-भेषजीय)”

[सं. 6 (3)/73-नि. नि. और नि. सं.]

S.O. 1693.—In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby makes the following rules further to amend the Export of Organic Chemicals (Inspection) Rules, 1966, namely :—

1. These rules may be called the Export of Organic Chemicals (Inspection) Second Amendment Rules, 1973.

2. In the Schedule to the Export of Organic Chemicals (Inspection) Rules, 1966, for Serial No. 10 and the entry relating thereto, the following shall be substituted, namely :—

“10. Sodium Citrate (non-pharmacopoeial).”

[No. 6 (3)/73-EI&EP]

का. आ. 1694.—यस: निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 इवारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारत सरकार के वाणिज्य मंत्रालय की अधिसूचना सं. का. आ. 480, ता. 9 फरवरी, 1966 में निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त अधिसूचना की अनुसूची 2 में, क्रम सं. 10 और तस्वीरधित प्रविष्टि के स्थान पर निम्नलिखित खा जाएगा, अर्थात् :—

“10. सोडियम साइट्रेट (अ-भैषजीय)”

[सं. 6(3)/73 नि. और नि. सं.]

S.O. 1694.—In exercise of the powers conferred by section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby makes the following further amendment in the notification of the Government of India in the Ministry of Commerce, No. S.O. 480, dated the 9th February, 1966, namely :—

In the said notification, in Schedule II, for Serial No. 10 and the entry relating thereto, the following shall be substituted, namely :—

“10. Sodium Citrate (non-pharmacopoeial).”

[No. 6 (3)/73-EI&EP]

का. आ. 1695.—मुत्तिका उत्पाद निर्यात (निरीक्षण) नियम, 1969 के नियम 7 के अनुसरण में, केन्द्रीय सरकार, भारत सरकार के भूतपूर्व विवेश व्यापार और संबंध अधिकारी मंत्रालय की प्रशिक्षण सं. का. आ. 2600, ता. 27 जून, 1969 का अतिक्रमण करते हुए, नीचे दी गई सारणी के स्तम्भ (2) में वर्णित व्यक्तियों के उसके स्तम्भ (1) की तस्थीनी प्रविष्टि में वर्णित निर्यात निरीक्षण अभिकरण के विनियोग के विवर उक्त नियम के अधीन अपीलों की सुनवाई के प्रयोजन के लिए विशेषज्ञों के पेनल के रूप में नियुक्त करती है।

परन्तु जहां उक्त पेनल में से कोई सदस्य किसी अपील की विषय अस्तु में वैयक्तिक रूप से हितबद्ध है वहां वह उस अपील से संबंधित कार्यालयों में आग नहीं लेगा।

लाइसेंस

वह प्राधिकरण, जिसके विनियोगित जिनसे विशेषज्ञों का वह पेनल अस्त्य के विवर अपील हो गठित होता है जिसको अपील हो सकती है। सकता है।

1

2

1. निर्यात निरीक्षण अभिकरण 1. श्री आर० एम० मेहरा, मै. मुम्बई पोटीज एंड टाइल्स लि०, पाल्प रोड, कुला, पौ० आ० न० 7166, मुम्बई-70 अध्यक्ष
2. श्री एम० के० गणपते, मै. पैट्रियर पोटी वर्क्स क० लि०, चाकनेर, मोर्चा, गुवराम।
3. श्री के० एम० शर्मा, मै. एच० एंड आर० जानसन (इंडिया) प्रा० लि० नानभाय मेनसन, सर पी० मेहता रोड, मुम्बई-1

1

2

<ol style="list-style-type: none"> 4. श्री आर० सी० काजी, मै. इस्टर्न सीरेमिक्स लि०, मुम्बई 5. उप-निदेशक, पवेन, नेशनल टेस्ट हाउस, गोतम विलिंग, कारासिंह बीडी आर रोड, मुम्बई-15। 6. उप-निदेशक (केमिकल) पवेन, लघु उद्योग सेक्शन संस्थान, साकोनेक, कुला अंधेरी रोड, मुम्बई-70 7. संयुक्त निदेशक, पवेन, भारत की निर्यात निरीक्षण परिषद, प्रादेशिक कार्यालय, अमन चेम्स, चौथी मंजिल, 113, एम० कवे रोड, मुम्बई-3—संयोजक 	<ol style="list-style-type: none"> 1. डा० एस० सेन, सेन्ट्रल ग्लास एंड सीरेमिक रिसर्च इंस्टीट्यूट, यादबपुर, कलकत्ता—32 अध्यक्ष 2. निर्यात निरीक्षण अभिकरण 1. डा० एस० सेन, सेन्ट्रल ग्लास एंड सीरेमिक रिसर्च इंस्टीट्यूट, यादबपुर, कलकत्ता—32 अध्यक्ष 2. श्री होशियार सिंह, मै. बंगल पोटीज लि० 45, टांगरा रोड, कलकत्ता-15 3. श्री ए० डी० दुधा, गवनमेंट इस्पुलेटर फैक्ट्री, राजी बिहार 4. श्री एससे एन० सेठ, मै. जयश्री टेक्स्टाइल एंड इंडस्ट्रीज लि०, पोरसिलेन इस्पुलेटर फैक्ट्री, पौ० आ० रिंगरा डिस्ट्रिक्ट-हुगली, पौ० बंगल। 5. श्री बी० एन० बनर्जी, बिहार फायर ब्रिक्स एंड पोटीज लि०, 22, स्ट्रेंड रोड, कलकत्ता-1 6. सहायक निदेशक (भोतिकीय), पवेन, नेशनल टेस्ट हाउस, जजेज कोर्ट रोड, अलीपुर, कलकत्ता-27 7. उप-निदेशक (केमिकल), पवेन, भारत की नियात निरीक्षण परिषद, 14/1 बी०, एजरा स्ट्रीट, (सातवी मंजिल),—कलकत्ता-1 संयोजक
---	--

1

2

3. नियाति निरीक्षण अभिकरण 1. श्री बी० उलाल, म० ई० प्राई० मद्रास तथा कोचीन डी० पेरी लि�०, रत्नी पेट, मद्रास अध्यक्ष

2. श्री जे० के० फकीरसाहब, म० पैसूर पोर्टसीलेन लि�०, पो० वा० न० 1, साईंस हंस्ट्रीट्यूट, बंगलोर-12

3. श्री टी० बी० पुश्पस, थाम्मेशुहाद्रृश, मुंबाकाशु, चेंगापुर, केरल

4. श्री बी० श्री निवासन, निवेशक, मै० डब्ल्यू एम० हंस्युलेट्रस्, लि० पोहर, मद्रास

5. शाखा प्रबंधक, पदेन, स्टेट ट्रेडिंग कापोरेशन आफ हैंडिया लि० 23, मार्ट रोड, मद्रास -6

6. उप-निवेशक (नियाति संबंधित), पदेन, ग्रामात टथा नियाति संयुक्त मुख्य निवेशक का कार्यालय, मद्रास

7. उप-निवेशक, पदेन, नियाति, निरीक्षण अभिकरण-मद्रास, 123, मार्ट रोड मद्रास-6

4. नियाति निरीक्षण अभिकरण 1. श्री एस० एल० सोमानी, मै० हिन्दुस्तान सेनीटरी बेयर (प्रा०) लि० हरियाणा अध्यक्ष

2. श्री बी० एन॒ भास्कर, मै० ईश्वर हृष्टस्ट्रीज, ईश्वर नगर

3. श्री शशेन्द्र कुमार जय शिवभवन, कैम्पू बजरिया, लखर

4. विकास अधिकारी (मूलिका-शिल्प). पदेन महा-निवेशालय, तकनीकी विकास, नई दिल्ली-11

5. निवेशक, पदेन, लघु उद्योग सेवा संस्थान, नई दिल्ली-20

6. श्री राम बत्तान, प्रधान, विद्युत विभाग, भारतीय प्रोटोगिकी संस्थान, हौजखास, नई दिल्ली

7. संयुक्त निवेशक पदेन, नियाति निरीक्षण अभिकरण, दिल्ली 13/7, पश्चिमी विस्तार थोक, भार्या समाज रोड, करोल बाग नई दिल्ली-5 संयोजक

2. पैनल की गणनूसि तीन होगी।

S.O.1695.—In pursuance of rule 7 of the Export of Ceramic Products (Inspection) Rules, 1969, the Central Government in supersession of the Notification of the Government of India in the late Ministry of Foreign Trade and Supply, No. S.O. 2600 dated 27th June, 1969, hereby appoints the persons mentioned in column (2) of the Table given below as panel of experts for the purpose of hearing appeals under the said rule, against the decision of the Export Inspection Agency, mentioned in the corresponding entry in column (1) thereof:

Provided that where a member of any of the said panel is personally interested in the subject matter of any appeal, he shall not take part in the proceedings relating to that appeal.

TABLE

Authority against whose decision appeal lies	Persons constituting the panel of experts to which appeal lies.
1	2

<p>1. Export Inspection Agency-Bombay</p> <p>2. Export Inspection Agency-Cuttack</p> <p>3. Export Inspection Agency-Madras & Cochin</p>	<p>1. Shri R.M. Mehra, M/s. Bombay Potteries & Tiles Ltd., Pipe Road, Kurla, P.B.No. 7166, Bombay-70 Chairman</p> <p>2. Shri M.K. Ganpule, M/s. Parshuram Pottery Works. Co. Ltd., Wankner, Morvi, Gujarat.</p> <p>3. Shri K.M. Sharma, M/s. H & R Johnson (India) Pvt. Ltd., Nanbhoy Mansion, Sir P. Mehta Road Bombay-1.</p> <p>4. Shri R.C. Kaji, M/s. Eastern Ceramics Ltd., Bombay.</p> <p>5. Deputy Director, Ex-officio, National Test House, Gautam Building, Zakaria BDR Road, Bombay-15.</p> <p>6. Deputy Director (Chem), Ex-officio Small Industries Service Institute, Sakinake, Kurla Andheri Road, Bombay-70.</p> <p>7. The Joint Director, Ex-officio, Export Inspection Council of India, Regional office, Aman Chambers, 4th floor, 113, M. Karve Road Bombay-4.</p>
	Convener.
	<p>1. Dr. S. Sen, Central Glass & Ceramic Research Institute, Jadavpur, Calcutta-32.</p> <p>2. Shri Hoshiar Singh, M/s. Bengal Potteries Ltd., 45, Tangra Road, Calcutta-15.</p> <p>3. Shri A.D. Dua, The Government Insulator Factory, Ranchi, Bihar.</p> <p>4. Shri S.N. Seth, M/s. Jaya Shree Textile & Industries Ltd., Porcelain Insulator Factory, P.O. Rishra, Dist. Hooghly, W. Bengal.</p> <p>5. Shri B.N. Banerjee, Bihar Fire Bricks & Potteries Ltd., 22, Strand Road, Calcutta-1.</p> <p>6. Assistant Director (Physical), Ex-officio, National Test House, Judges Court Road, Alipore, Calcutta-27.</p> <p>7. Deputy Director (Chemicals), Ex-officio, Export Inspection Council of India, 14/1B, Ezra Street, 7th floor, Calcutta-1.</p>
	Convener.
	<p>1. Shri B. Ullal, M/s. E.I.D. Pairy Ltd., Ranipet, Madras.</p> <p>2. Shri J.K. Fakirsab, M/s. Mysore Porcelains Ltd., Post Box No. Science Institute, Bangalore-12.</p>
	Chairman.

1

2

3. Shri T.V. Punnoose, Thazhenshu House, Mundancavu, Chengannur, Kerala.
4. Shri V. Srinivasan, Director, M/s. W.S. Insulators Ltd., Porur, Madras.
5. The Branch Manager, Ex-officio, State Trading Corpn. of India Ltd., 23, Mount Road, Madras-6.
6. Deputy Director (Export Promotion), Ex-officio, Office of the Lt. Chief Controller of Imports & Exports, Madras.
7. Deputy Director, Ex-officio, Export Inspection Agency-Madras, 123, Mount Road, Madras-6.

Convener.

4. Export Inspection Agency-Delhi.
1. Shri H.L. Somani, M/s. Hindustan Sanitary Ware (Pvt.) Ltd., Bahadurgarh, Rohtak, Haryana.
Chairman.
2. Shri B.N. Bhaskar, M/s. Ishwar Industries, Ishwarnagar.
3. Shri Sailedra Kumar, Jai Shiv Bhawan, Campoo Bajaria, Lashkar, Gwalior (MP).
4. Development Officer (Ceramics), Ex-officio Directorate General, Technical Development, New Delhi-11.
5. Director, Ex-officio, Small Industries Service Institute, New Delhi-20.
6. Shri Rama Batran, Head, Electrical Deprt. Indian Institute of Technology, Hauz Khas, New Delhi.
7. Joint Director, Ex-officio, Export Inspection Agency-Delhi, 13/37, Western Extn. Area, Arya Samaj Road, Karolbagh, New Delhi-5.

Convener.

2. The quorum of the panel shall be three.

[No. 1(27)/71-EI&EP]

आ० आ० 1696—विनयल फिल्म और चहर नियात (निरीक्षण) नियम, 1969 के नियम 7 के प्रत्युमरण में केन्द्रीय सरकार भारत सरकार के भूतपूर्व विवेश आपार और सम्बरण मंत्रालय की अधिसूचना सं० का० आ० 1522, ता० 26 प्रत्र०, 1969 का अतिक्रमण करते हुए, नीचे दी गई मारणी के स्तम्भ (2) में विविध व्यक्तियों को उसके स्तम्भ (1) की तत्स्याती प्रविष्टि में विविध नियात निरीक्षण अभिकरण के विनियन्त्रण के बिन्दु उक्त नियम के अधीन अपीलों की सुनवाई के प्रयोजन के लिए विषेषज्ञों के पैनल रूप में नियुक्त करती है;

परन्तु जहाँ उक्त पैनल में से कोई सदस्य किसी अपील की विषय वस्तु में वैयक्तिक रूप से हिस्बद्ध है वहाँ वह उस अपील से अन्तरित कार्य-वाहियों में भाग नहीं लेगा।

सारणी

वह प्राधिकरण, जिसके विनियन्त्रण व्यक्ति जिनसे विषेषज्ञों का वह पैनल के बिन्दु अपील हो सकती है। गठित होता है जिसकी अपील हो सकती है

1

2

1. नियात निरीक्षण अभिकरण,
मुम्बई ।
1. अध्यक्ष/उपाध्यक्ष, पैनल,
प्लास्टिक तथा लिनोलियमस् नियात
सम्बर्थन परिषद्, 68, तारखेव रोड,
मुम्बई-34 ।

1

2

2. श्री आर० एम० पटेल,
मै० मोर इंडस्ट्रीज लिमिटेड,
भर विठ्ठलवास चैम्बर्स, 16, अपोलो
स्ट्रीट, पोर्ट, मुम्बई -1
3. श्री ए० आर० चौहान,
मै० नेशनल लेदर, भूत्य मैन्युफैक्चरिंग
क० रामकृष्ण बिल्डिंग, गूसरी मंजिल,
23 पारेख स्ट्रीट, मुम्बई 4
4. श्री आर० एम० भवेरी,
मै० धर्मपुर लैवर भूत्य क० लि०,
10, चौपाटी सी केस,
मुम्बई-7
5. उप-निदेशक, पैनल,
नेशनल टेस्ट हाऊस, भारत सरकार,
मुम्बई-15
6. संयुक्त निदेशक (नियात संबर्थन), पैनल,
भायात तथा नियात के संयुक्त मुम्ब
नियंत्रक के कार्यालय, मुम्बई
7. संयुक्त निदेशक, पैनल,
भारत की नियात निरीक्षण परिषद्,
प्रादेशिक कार्यालय, अमन चैम्बर्स,
113, म० कर्बे रोड, मुम्बई-4 संयोजक
1. अध्यक्ष/उपाध्यक्ष, पैनल
प्लास्टिक तथा लिनोलियमस् नियात
सम्बर्थन परिषद्, 14/1 बी०, एजरा स्ट्रीट,
कलकत्ता-1 अध्यक्ष
2. उप-निदेशक (नियात संबर्थन) पैनल,
भायात तथा नियात संयुक्त मुम्ब
नियंत्रक का कार्यालय, कलकत्ता ।
3. श्री एच० एम० नन्दकियोलयार,
मै० इण्डिया लिनोलियमस्,
14, राधा बाजार सेन, कलकत्ता-1
4. डा० ए० एन० शाह,
नेशनल आरैनिक कैमिकल इंडस्ट्रीज
लि०,
हिमालय हाऊस, 38, चौराणी,
कलकत्ता-16
5. श्री एस० गांगुली,
महाप्रबन्धक (प्लास्टिक),
मै० ग्रालबली एण्ड कैमिकल कार्पोरेशन
ग्राफ इण्डिया लि०,
कलकत्ता शाखा, 18, स्टैण्ड रोड,
कलकत्ता-1
6. उप-निदेशक (कैमिकल), पैनल,
नेशनल टेस्ट हाऊस, भारत सरकार,
जजेज चौट रोड, अलीपुर, कलकत्ता-27
7. उप-निदेशक (कैमिकल), पैनल,
भारत की नियात निरीक्षण परिषद्,
14/1 बी०, एजरा स्ट्रीट, 7बी० मंजिल,
कलकत्ता-1 संयोजक

<p>3. नियाति निरीक्षण प्रभिकरण मद्रास तथा कोलीन</p> <p>मद्रास-25</p> <p>गुहाडी, मद्रास-25</p> <p>प्रो० पी० श्री० जनाधन,</p> <p>मद्रास यूनिवर्सिटी, ए० सी० कालेज थोर,</p> <p>प्रध्यक्ष</p> <p>2. श्री के० श्रीनिवासन,</p> <p>मै० वर्मा इण्डस्ट्रीयल्स लि०,</p> <p>दोमलुर रोड, डॉ० हिन्दुस्तान एयरक्राफ्ट,</p> <p>बंगलोर-17</p> <p>3. श्री एम० पार्थसार्थी, निदेशक,</p> <p>मै० पोलीन फिल्म इण्डस्ट्रीज (प्रा०)</p> <p>लि०, मद्रास-34</p> <p>4. श्री टी० विजय राघवन,</p> <p>विष्णुनन्दनक,</p> <p>मै० वकीन इण्डिया लि० एम्बूर</p> <p>इण्डस्ट्रीयल एस्टेट, मद्रास-58</p> <p>5. उप-निदेशक (नियाति संबंधी), पदेन,</p> <p>आपात तथा नियाति संयुक्त मुद्द्य नियंत्रक</p> <p>का कार्यालय,</p> <p>मद्रास</p> <p>6. श्रावा प्रबन्धक, पदेन,</p> <p>स्टेट ट्रेडिंग कार्पोरेशन आफ इंडिया लि०,</p> <p>123, मार्चंट रोड, मद्रास-6</p> <p>7. संयुक्त निदेशक, पदेन,</p> <p>भारत की नियाति निरीक्षण परिषद्,</p> <p>प्रारंभिक कार्यालय, मनोहर विल्डिंग,</p> <p>महात्मा गांधी रोड, एनाकुलम्,</p> <p>कोलीन-11 संयोजक</p> <p>4. नियाति निरीक्षण प्रभिकरण दिल्ली</p> <p>1. निदेशक, पदेन,</p> <p>लघु उद्योग सेक्वा संस्थान,</p> <p>श्रावला, नई विल्ली-20 प्रध्यक्ष</p> <p>2. श्री आर० टी० थाम्पी,</p> <p>श्री राम हन्स्टीचूट फार इण्डस्ट्रीयल</p> <p>रिसर्च,</p> <p>19, यूनिवर्सिटी रोड, विल्ली-7</p> <p>3. श्री पी० पी० मुख्यर्जी,</p> <p>मै० बाटा शू क० प्रा० लि०,</p> <p>श्रावा फैक्टरी. फरीदाबाद, न्यू इण्डस्ट्रीयल</p> <p>टाऊन, फरीदाबाद, हरियाणा ।</p> <p>4. श्री एम० एस० मुम्पाना, उप-निदेशक,</p> <p>भारतीय (प्रौद्योगिकी) संस्थान,</p> <p>कानपुर</p> <p>5. श्री रमेश सी० बरार,</p> <p>महाप्रबन्धक (प्रा० एड्ड डी०),</p> <p>मै० न्यूकोम लास्टिक्स लि०,</p> <p>54, इण्डस्ट्रीयल एरिया, फरीदाबाद</p>	<p>1</p> <p>6 विकास प्रधिकारी (इ०पी०इ०), पदेन, महानिदेशक का कार्यालय, तकनीकी विकास इ०पी०इ० कक्ष, उद्योग भवन, नई विल्ली-11</p> <p>7. संयुक्त निदेशक, पदेन, नियाति निरीक्षण प्रभिकरण--दिल्ली, 13/37, परिषद्मी विस्तार भेत्र, प्रा० समाज रोड, नई विल्ली-5 संयोजक</p> <p>2. पैनल की गणपूर्ति तीन होगी ।</p> <p>[मै० 1(27)/71-ई०आई०एप्ट०इ०पी०]</p> <p>S.O.1696.—In pursuance of rule 7 of the Export of Vinyl Film and Sheetings (Inspection) Rules, 1969, the Central Government in supersession of the Notification of the Government of India in the late Ministry of Foreign Trade and Supply, No. S.O. 1522 dated the 26th April, 1969, hereby appoints the persons mentioned in column(2) of the Table given below as panel of experts for the purpose of hearing appeals under the said rule against the decision of the Export Inspection Agency, mentioned in the corresponding entry in column (1) thereof ;</p> <p>Provided that where a member of any of the said panel is personally interested in the subject matter of any appeal, he shall not take part in the proceedings relating to that appeal.</p> <p>TABLE</p> <table border="1"> <thead> <tr> <th>Authority against whose decision appeal lies.</th><th>Persons constituting the panel of experts to which appeal lies</th></tr> </thead> <tbody> <tr> <td>1. Export Inspection Agency-Bombay.</td><td>1. Chairman/Vice-Chairman, Ex-officio, Plastics & Linoleums Export Promotion Council, 68, Tardco Road, Bombay-34. Chairman.</td></tr> <tr> <td>2. श्री R.M. Patel, M/s. Bhor Industries Ltd., Sir Vithaldas Chambers, 16 Apollo Street Fort, Bombay-1.</td><td>2. Shri A.R. Chouhan, M/s. National Leather Cloth Mfg. Co., Ramkrupa Building, 2nd floor, 25, Parekh Street, Bombay-4.</td></tr> <tr> <td>3. श्री R.M. Jhaveri, M/s. Dharmpur Leather Cloth Co. Ltd., 10, Chowpatty Sea Face, Bombay-7.</td><td>3. Deputy Director, Ex-officio, National Test House, Govt. of India, Bombay-15.</td></tr> <tr> <td>4. श्री R.M. Jhaveri, M/s. Dharmpur Leather Cloth Co. Ltd., 10, Chowpatty Sea Face, Bombay-7.</td><td>4. Joint Director (Export Promotion), Ex-officio, Office of the Joint Chief Controller of Imports & Exports, Bombay.</td></tr> <tr> <td>5. श्री R.M. Jhaveri, M/s. Dharmpur Leather Cloth Co. Ltd., 10, Chowpatty Sea Face, Bombay-7.</td><td>5. Joint Director, Ex-officio Export Inspection Council of India, Regional office, Aman Chambers-113, M. Karve Road, Bombay-4.</td></tr> <tr> <td>6. श्री R.M. Jhaveri, M/s. Dharmpur Leather Cloth Co. Ltd., 10, Chowpatty Sea Face, Bombay-7.</td><td>6. श्री R.M. Jhaveri, M/s. Dharmpur Leather Cloth Co. Ltd., 10, Chowpatty Sea Face, Bombay-7.</td></tr> <tr> <td>7. श्री R.M. Jhaveri, M/s. Dharmpur Leather Cloth Co. Ltd., 10, Chowpatty Sea Face, Bombay-7.</td><td>7. Joint Director, Ex-officio Export Inspection Council of India, Regional office, Aman Chambers-113, M. Karve Road, Bombay-4.</td></tr> </tbody> </table>	Authority against whose decision appeal lies.	Persons constituting the panel of experts to which appeal lies	1. Export Inspection Agency-Bombay.	1. Chairman/Vice-Chairman, Ex-officio, Plastics & Linoleums Export Promotion Council, 68, Tardco Road, Bombay-34. Chairman.	2. श्री R.M. Patel, M/s. Bhor Industries Ltd., Sir Vithaldas Chambers, 16 Apollo Street Fort, Bombay-1.	2. Shri A.R. Chouhan, M/s. National Leather Cloth Mfg. Co., Ramkrupa Building, 2nd floor, 25, Parekh Street, Bombay-4.	3. श्री R.M. Jhaveri, M/s. Dharmpur Leather Cloth Co. Ltd., 10, Chowpatty Sea Face, Bombay-7.	3. Deputy Director, Ex-officio, National Test House, Govt. of India, Bombay-15.	4. श्री R.M. Jhaveri, M/s. Dharmpur Leather Cloth Co. Ltd., 10, Chowpatty Sea Face, Bombay-7.	4. Joint Director (Export Promotion), Ex-officio, Office of the Joint Chief Controller of Imports & Exports, Bombay.	5. श्री R.M. Jhaveri, M/s. Dharmpur Leather Cloth Co. Ltd., 10, Chowpatty Sea Face, Bombay-7.	5. Joint Director, Ex-officio Export Inspection Council of India, Regional office, Aman Chambers-113, M. Karve Road, Bombay-4.	6. श्री R.M. Jhaveri, M/s. Dharmpur Leather Cloth Co. Ltd., 10, Chowpatty Sea Face, Bombay-7.	6. श्री R.M. Jhaveri, M/s. Dharmpur Leather Cloth Co. Ltd., 10, Chowpatty Sea Face, Bombay-7.	7. श्री R.M. Jhaveri, M/s. Dharmpur Leather Cloth Co. Ltd., 10, Chowpatty Sea Face, Bombay-7.	7. Joint Director, Ex-officio Export Inspection Council of India, Regional office, Aman Chambers-113, M. Karve Road, Bombay-4.
Authority against whose decision appeal lies.	Persons constituting the panel of experts to which appeal lies																
1. Export Inspection Agency-Bombay.	1. Chairman/Vice-Chairman, Ex-officio, Plastics & Linoleums Export Promotion Council, 68, Tardco Road, Bombay-34. Chairman.																
2. श्री R.M. Patel, M/s. Bhor Industries Ltd., Sir Vithaldas Chambers, 16 Apollo Street Fort, Bombay-1.	2. Shri A.R. Chouhan, M/s. National Leather Cloth Mfg. Co., Ramkrupa Building, 2nd floor, 25, Parekh Street, Bombay-4.																
3. श्री R.M. Jhaveri, M/s. Dharmpur Leather Cloth Co. Ltd., 10, Chowpatty Sea Face, Bombay-7.	3. Deputy Director, Ex-officio, National Test House, Govt. of India, Bombay-15.																
4. श्री R.M. Jhaveri, M/s. Dharmpur Leather Cloth Co. Ltd., 10, Chowpatty Sea Face, Bombay-7.	4. Joint Director (Export Promotion), Ex-officio, Office of the Joint Chief Controller of Imports & Exports, Bombay.																
5. श्री R.M. Jhaveri, M/s. Dharmpur Leather Cloth Co. Ltd., 10, Chowpatty Sea Face, Bombay-7.	5. Joint Director, Ex-officio Export Inspection Council of India, Regional office, Aman Chambers-113, M. Karve Road, Bombay-4.																
6. श्री R.M. Jhaveri, M/s. Dharmpur Leather Cloth Co. Ltd., 10, Chowpatty Sea Face, Bombay-7.	6. श्री R.M. Jhaveri, M/s. Dharmpur Leather Cloth Co. Ltd., 10, Chowpatty Sea Face, Bombay-7.																
7. श्री R.M. Jhaveri, M/s. Dharmpur Leather Cloth Co. Ltd., 10, Chowpatty Sea Face, Bombay-7.	7. Joint Director, Ex-officio Export Inspection Council of India, Regional office, Aman Chambers-113, M. Karve Road, Bombay-4.																

(1)	(2)	(1)	(2)
2. Export Inspection Agency-Calcutta.	1. Chairman/Vice-Chairman, Ex-Plastics & Linoleums Export Promotion Council, 14/1B, Ezra Street, Calcutta-1. Chairman.	2. Shri R.T. Thamby, Sri Ram Institute for Industrial Research, 19, University Road, Delhi-7. 3. Shri P.P. Mukherjee, M/s. Bata Shoe Co. Pvt Ltd., Branch Factory, Faridabad New Industrial Town, Faridabad, Haryana. 4. Dr. M.S. Muthana, Deputy Director, Indian Institute of Technology, Kanpur. 5. Shri Ramesh C. Barar, General Manager (R&D), M/s. Nuchem Plastics Ltd., 54, Industrial Area, Faridabad. 6. Development Officer (FPE), Ex-officio Office of the Directorate General, Technical Development, EPL Cell, Udyog Bhavan, New Delhi-11. 7. Joint Director, Ex-officio Export Inspection Agency-Delhi, 13/37, Western Extn. Area, Arya Samaj Road, New Delhi-5. Convener.	
3. Export Inspection Agency-Madras & Cochin.	1. Prof. P.B. Janardhan, University of Madras, A.C. College Campus, Guindy, Madras-25. Chairman.	2. The quorum of the panel shall be three.	No. 1(27)/71-EI&EP.
4. Export Inspection Agency-Delhi.	1. Director, Ex-officio Small Industries Service Institute, Okhla, New Delhi-20. Chairman.	2. Shri K. Srinivasan, M/s. Varma Industrials Ltd., Domlur Road P.O. Hindustan Aircraft, Bangalore-17. 3. Shri M. Parthasarathy, Director, M/s. Polyene Film Industries (P) Ltd., Madras-34. 4. Shri T. Vijaya Raghavan, Marketing Manager, M/s. Wavin India Ltd., Ambattur Industrial Estate, Madras-58. 5. Deputy Director (Export Promotion), Ex-officio Office of the Joint Chief Controller of Imports & Exports, Madras. 6. Branch Manager, Ex-officio State Trading Corp. of India Ltd., 123, Mount Road, Madras-6. 7. Joint Director, Ex-officio, Export Inspection Council of India, Regional office, Manohar Building, Mahatma Gandhi Road, Ernakulam, Cochin-11. Convener.	<p>का. आ. 1697.—भारत के राजग्रन्थ भाग 2 खण्ड 3 उग्रसंघ (2) दिनांक 28 अक्टूबर, 1972 में प्रकाशित, भारत सरकार के भूतपूर्व विदेश व्यापार मंत्रालय के आदेश संलग्न का. आ. 3339 दिनांक 28 अक्टूबर, 1972 में निम्नलिखित संशोधन किया जायेगा, अर्थात्—</p> <p>“सूखाई” मछली तथा मछली उत्पाद का नियर्थि (निरीक्षण) नियम, 1970” के स्थान पर “सूखाई” मछली (निरीक्षण) नियम, 1970” पढ़ें।</p> <p>के, एवं माध्यम, अधर सीचव [स. 6(19)/71-इ. आई. एड ब्रॉ. पी.]</p> <p>CORRIGENDUM</p> <p>S.O. 1697.—In the order of the Government of India in the late Ministry of Foreign Trade No. S.O. 3339 dated the 28th October, 1972 published in Part II—Section 3—Sub-Section (ii) of the Gazette of India dated the 28th October 1972, the following amendment shall be made, namely:—</p> <p>For “the Export of Dried Fish and Fish Products (Inspection) Rules, 1970” read “Dried Fish (Inspection) Rules, 1970”.</p> <p>[No. 6(19)/71-EI&EP]</p> <p>K. L. MATHUR, Under Secy.</p>

(शैक्षणिक विज्ञान, विज्ञान तथा प्राव्योगिकी मंत्रालय)

(भारतीय मानक संस्था)

नई दिल्ली, 30 मई, 1973

क्रा० आ० 1698.—समय-समय, पर संशोधित भारतीय मानक संस्था (प्रमाणन चिन्ह) विनियम 1955 के विनियम 3 के उपविनियम (2) और (3) के अनुसार भारतीय मानक संस्था द्वारा अधिसूचित किया जाता है कि नीचे अनुसूची में जिस भारतीय मानक का घौरा दिया गया है वह निर्धारित किया गया है :

अनुसूची

क्रम निर्धारित भारतीय मानक की पब्लिक और
संस्था प्रीर्येक

नये भारतीय मानक द्वारा रद्द हुए भारतीय मानक की
पब्लिक और प्रीर्येक

संक्षिप्त विवरण

1 IS : 560-1969 बीएचसी, तकनीकी और
परिष्कृत की विशिष्टि
(दूसरा पुनरीक्षण)

*IS : 560-1961 बीएचसी, तकनीकी की विशिष्टि
(पुनरीक्षण)

इस मानक में बीएचसी, तकनीकी और परिष्कृत
की प्रेक्षाएँ और परीक्षण पद्धतियाँ दी गई हैं
(मूल्य रु 7.00)

*भारतीय मानक संस्था (प्रमाणन चिन्ह) योजना कार्यों के लिए IS : 560-1961 30 अप्रैल, 1974
तक IS : 560-1969 के साथ साथ-लागू रहेगा।

इस भारतीय मानक की प्रतियोगी भारतीय मानक संस्था, मानक भवन, 9-बहादुरगाह जफर भार्ग, नई दिल्ली-1 और इसके पास कार्यालयों ग्रहमवा-माद, बंगलौर, बम्बई, कलकत्ता, हैदराबाद, कानपुर, और मध्यास से प्राप्त की जा सकती है।

[सं० सी० एम० डी०/13:2]

MINISTRY OF INDUSTRIAL DEVELOPMENT, SCIENCE AND TECHNOLOGY

INDIAN STANDARDS INSTITUTION

New Delhi, the 30 May, 1973

S. O. 1698.—In pursuance of sub-regulations (2) and (3) of regulation 3 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as amended from time to time, the Indian Standards Institution hereby notifies that the Indian Standard, particulars of which is mentioned in the Schedule given hereafter, has been established.

SCHEDULE

Sl. No. and Title of the Indian Standard No.	No. and Title of the Indian Standard if any, Established	Brief Particulars
1. IS:560-1969 Specification for BHC, technical and refined (second revision)	*IS:560-1961 Specification for BHC technical (revised)	This standard prescribes the requirements and the methods of test for BHC, technical and refined (Price Rs. 7.00)

*For purposes of ISI Certification Marks Scheme; IS:560-1969 shall run concurrently with IS:560-1969 up to 30 April 1974

Copies of this Indian Standard are available for sale with the Indian Standards Institution, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-1 and also its Branch Offices at Ahmedabad, Bangalore, Bombay, Calcutta, Hyderabad, Kanpur and Madras.

[No. CMD/13:2]

का० आ० 1699.—समय समय पर संशोधित भारतीय मानक संस्था (प्रमाणन बिहू) विनियम 1955 के विनियम 4 के अनुसार भारतीय मानक संस्था द्वारा अधिसूचित किया जाता है कि उक्त विनियम 3 के उपविनियम (1) के अनुसार प्राप्त अधिकार के अधीन यहाँ अनुसूची में दिए भारतीय मानकों के संशोधन जारी किए गए हैं:-

अनुसूची

क्रम संशोधित भारतीय मानकों की संख्या पदसंख्या	जिस राजपत्र में भारतीय मानक तैयार होने की सूचना छपी थी, उसकी संख्या और दिनांक	संशोधन की संख्या और दिनांक	संशोधन का संक्षिप्त विवरण	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)	(5)
1. IS : 278-1969 रोक लगाने के लिए जस्ता चड़े इस्पात के काटेवार तार की विशिष्टि (दू. पुन)	एस०ओ० 639 दिनांक 21 फरवरी, 1970	सं० 2 मई 1972	एक नया खण्ड 4. 2. 1 जोड़ लीजिए।	1 मई, 1972
2. IS : 489-1961 कांच के एम्पूल की विशिष्टि (पुनरीक्षित)	एस०ओ० 635 दिनांक 3 मार्च, 1962	स० 2 जुलाई 1972	ठंडे किए शुष्क दवा के टीकों के लिए तनुकारक एम्पूलों की अपेक्षाओं के शामिल करने हेतु कांच को निर्धारित करने वाली समिति ने यह संशोधन जारी करने का निर्विवत किया है। इससे पूर्व किए गए संशोधन संख्या 1 और 2 स्वयं ही ठंडे किए दवा के टीकों के लिए कांच की नालियों और एम्पूलों से मिर्दिरण और मुद्रित हो जाने के तुरंत बाद वापिस ले लिए जाएंगे।	1 जुलाई, 1972
3. IS : 542-1968 नारियल के तेल एस०ओ० 4599 दिनांक की विशिष्टि (दू. पुन)	28 दिसम्बर, 1968	स० 1 जुलाई 1972	खण्ड 2. 1. 2 के स्थान पर नया खण्ड जोड़ लीजिए।	1 जुलाई, 1972
4. IS : 543-1968 बिनोले के तेल एस०ओ० 1455 दिनांक की विशिष्टि (दू. पुन)	19 अप्रैल, 1969	स० 1 जुलाई 1972	खण्ड 2. 1. 3 के स्थान पर नया खण्ड जोड़ लीजिए।	1 जुलाई, 1972
5. IS : 544-1968 मुगफली के तेल एस०ओ० 368 विनाक की विशिष्टि (दू. पुन)	25 जनवरी 1969	सं० 1 जुलाई 1972	(1) खण्ड 2. 1. 2 के स्थान पर नया खण्ड जोड़ लीजिए। (2) सारणी 1 का संशोधन कर दिया गया है।	1 जुलाई, 1972
6. IS : 457-1968 सीसम के तेल एस०ओ० 4599 दिनांक की विशिष्टि (दू. पुन).	28 दिसम्बर, 1968	सं० 1 जुलाई 1972	(1) खण्ड 2. 1. 2 के स्थान पर नया खण्ड जोड़ लीजिए। (2) नया खण्ड 4. 5 जोड़ दिया गया है। (3) एक पाद-टिप्पणी पृष्ठ के अन्त में जोड़ दी गई है।	1 जुलाई, 1972
7. IS : 628-1963 साइक्ल के पैडल को जोड़ने की विशिष्टि (पुनरीक्षित)	एस०ओ० 1760 दिनांक 29 जून, 1963	स० 3 मई 1972	खण्ड 4. 2 के स्थान पर नया खण्ड जोड़ लीजिए।	1 मई, 1972
8. IS : 887-1968 पण्डों की चर्बी की (विशिष्टि (पह० पुन)	एस०ओ० 4599 दिनांक 28 दिसम्बर, 1968	स० 1 जुलाई 1972	(पृष्ठ 4, सारणी 1, स्थान 4, अम संख्या (6) के सम्मुख)-0.5 के स्थान पर 1.0 कर लीजिए।	1 जुलाई, 1972
9. IS : 1365-1968 खांचदार शंकु-खनित चिर वाले और खांचदार उभरे पंक्तु खनित सिर वाले पेंच (ब्याम 16 से 20 मिमी तक) की विशिष्टि	एस०ओ० 3608 दिनांक 12 अक्टूबर, 1968	स० 1 जून 1972	खण्ड 5. 1. 1 के स्थान पर नए खण्ड जोड़ लीजिए।	1 जून, 1972
10. IS : 1366-1968 खांचदार चीज नुमा चिर वाले पेंच (ब्याम 16 से 20 मिमी तक) (पह० पुन)	एस०ओ० 3608 दिनांक 12 अक्टूबर, 1968	स० 1 मई 1972	(1) खण्ड 5. 1. 1 के स्थान पर नया खण्ड जोड़ लीजिए। (2) पारणी 1 और 2 का संशोधन किया गया है।	1 मई, 1972

(1)	(2)	(3)	(4)	(5)	(6)
11 IS : 1459-1968 मिट्टी के नेल	एस ओ 2766 दिनांक को विशिष्ट (पह. पुन)	10 अगस्त 1968	सं० १	सारणी 1 का संशोधन किया गया है	1 जुलाई 1972
12 IS 1482-1970 ड्राफ्टिंग मणीनो	एस ओ 1107 दिनांक में लगने वाले मीटरी पैमानों की	20 मार्च 1971	जुलाई 1972	(1) (पृष्ठ 4, खण्ड 2 1 पंक्ति 2 में) पैमाना अनुपात 1 : 25 को हटा दीजिए। (2) आकृति 1 के अन्तर्गत नई सामग्री जोड़ लीजिए।	(1) प्रैल 1972
13 IS : 2026-1962 पावर ट्रांस- फार्मरों की विशिष्टि	एस ओ 2698 दिनांक	1 सितम्बर 1962	सं० ६	(1) खण्ड 17, 10, 5, 17 13 7 3 प्रौर ए-1 1 (सी) का संशोधन किया गया है। (2) आकृति 22 के शीर्षक के स्थान पर नया शीर्षक जोड़ लीजिए। (3) (पृष्ठ 42 (पृष्ठ 43 रिप्रिट) आकृति 22 (बी) शीर्षक के नीचे की सामग्री—) निम्न- लिखित सामग्री को हटा दीजिए— 'Connection for trans- formers,—during test'	1 मई 1972
14 IS 2191 (भाग 2) -1966 एस ओ 2654 लकड़ी के समतल कपाट (सेल्फुलर तथा भीतर से खोल वाले कोर टाइप) भाग 2 अनु बोड थाले पैनेल को विशिष्टि (पहला पुन)	5 अगस्त 1967	जुन 1972	सं० ०२	(4) खण्ड 17 12 4. 5 के नीचे एक नया पैग्राहप जोड़ लीजिए। (5) एक नया खण्ड 4 2 1 जोड़ लीजिए। (6) खण्ड 17, 13 7 1 के अन्त में एक नया वाक्य जोड़ लीजिए।	1 जून 1972
15 IS : 2303-1963 क्षारकता के लिए एस ओ 1760 दिनांक काच के वर्गीकरण की पद्धति	29 जून 1963		सं० १	(1) मुख्य पृष्ठ पर शीर्षक, पृष्ठ 1 प्रौर 2 के स्थान पर नया शीर्षक जोड़ लीजिए। (2) खण्ड 2 1, 1. 3 (पुन अकारित खण्ड 4. 4) प्रौर 5. 2 के स्थान पर नए खण्ड जोड़ लीजिए। (3) (पृष्ठ 4, खण्ड 3, 1 पंक्ति 2 में) निम्नलिखित शब्द 'and fibre hardboard' को शब्द 'board' और 'face panels' के बीच से जोड़ लीजिए। (4) नया खण्ड 4 3 खण्ड 4 2 3 के बाइंद जोड़ लीजिए प्रौर खण्ड 4 3 को उत्तरामाक 4. 4 कर 'लीजिए।	1 जून 1972
16 IS : 3099-1965 सूखभदरी के लिए सलाइज और ऊपरी सिसिप की विशिष्टि	एस ओ 2673 दिनांक 28 अगस्त 1965	मई 1972	सं० १	इम मानक के निर्धारण से सम्बन्धित काबू विधानीय ममिति ने यह संशोधन तुरन्त अधिनायी परी- क्षय पद्धति को ध्यान में रखकर जारी करने का निष्ठय किया है। इम सम्बन्ध में मानक में दी गई शर्तेमान पाउडर परीक्षण पद्धति जो काबू की क्षारकता की किस्त बीमोसक है किसी भी काबू के लिए प्रयोग्य है।	1 जून 1972
17 IS 3413-1966 कार्बन कागज के लिए आधार कागज की विशिष्टि	एस ओ 520 दिनांक 10 फरवरी 1968		सं० २	खण्ड 3, 7 के स्थान पर नया खण्ड जोड़ दिया गया है।	1 मई 1972
18 IS 3975-1967 कवच चढ़केन्डल	एस ओ 3336 दिनांक के लिए मृशु इस्पात के सार, पत्तिया और टेप की विशिष्टि	23 सितम्बर 1967	मई 1972	(1) सारणी 1 का संशोधन किया गया है। (2) खण्ड 1 के स्थान पर नया खण्ड जोड़ लीजिए। (3) खण्ड 4. 2 (एफ) बाद एक नया मद (जी) जोड़ लीजिए। (1) खण्ड 4. 1, 6. 3 और सारणी 2 के स्थान पर नए खण्ड और सारणी जाइ लीजिए। (2) खण्ड 6 1, 9. 2 1 और 9. 2, 1 (बी) का संशोधन किया गया है।	1 मई 1972

19. IS . 4333(भाग 1)-1967 एस ओ 1719 दिनाक अनाज के विशेषण भी पढ़तिया 18 मई 1968 भाग 1 रिफरेक्शन	स 11 जूलाई 1972	(1) खण्ड 2 2 5 के स्थान पर नया खण्ड जोड़ 1 जूलाई 1972 दीजिए। (2) खण्ड 5 3 का संशोधन किया गया है।
20 IS . 4576-1968 इविन मेट्रो- एस ओ 2766 दिनाक नियम गैसों की विशिष्टि 10 अगस्त 1968	स ० । जूलाई 1972	मारणी । के अन्तर्गत टिप्पणी 1 के स्थान पर नई 1 जूलाई 1972 सारणी जोड़ दीजिए।
21 IS . 5225-1969 बर्षा मारी एस ओ 89 दिनाक अधिकेव्वी की विशिष्टि 10 जनवरी 1970	स ० २ मई 1972	खण्ड 4 । । के नीचे एक नई टिप्पणी जोड़ दी । मई 1972 गई है।
22. IS : 5604-1970 यूनिवर्सल गियर एस ओ 3544 दिनाक रहित स्तंष्ठा चालित पुलिंग और 25 सितम्बर 1971 लिफिंग की विशिष्टि	स ० २ मई 1972	(1) खण्ड 3 ।, 4. 8 (पुनर्क्रमांकित । 7) । मई 1972 ओर सी । का संशोधन किया गया है। (2) खण्ड 4 । के स्थान पर नया खण्ड जोड़ दीजिए। (3) खण्ड 4. 5 को हटा दीजिए और खण्ड 4 । 6, 4 । 7 ओर 4. 8 का पुनर्क्रमांक ।. 5; । 6 ओर । 7 कर लीजिए।

इन भारतीय मानक की प्रतिया, भारतीय मानक संस्था, ९ ब्रह्मपुराणा, जकर मार्ग, नई दिल्ली-१ और इसकी शास्त्रा कार्यालयों (1) ५३४-सरदार बल्लभ भाई पटेल, अम्बई-७ (2) ५ चौरापी एप्रोब, कलकत्ता-१३ (3) ५१-जनरल पैटेस रोड, मद्रास-३ (4) ११७/४१२ वी मर्यादिय नगर कानपुर (5) ५-९-१०१/२ चिरामप्रली नेत, हैदराबाद-१ (6) माधवा नूरमोहमद शेख मार्ग, कानपुर, अहमदाबाद-१ और (7) एक व्याक यन्निट विलिंग नर्सिंह राज स्वाधायन बगलोर २ से प्राप्त की जा सकती है।

[सं. सी. ए. ४५० डी. ०/१३.५]

S. O. 1699.—In pursuance of regulation 4 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that amendment(s) to the Indian Standard(s) given in the schedule hereto annexed have been issued under the powers conferred by the sub-regulation (1) of Regulation 3 of the said Regulations.

SCHEDULE

Sl. No. and title of the Indian Standard amended	No. and Date of Gazette Notification in which the establishment of the Indian Standard was notified	No. and Date of the Amendment	Brief particulars of the Amendment	Date from which the Amendment shall have effect	
(1)	(2)	(3)	(4)	(5)	(6)
1. IS:278-1969 Specification for galvanized steel barbed wire for fencing (Second revision)	S.O. 639 dated 21 Feb 1970	No.2 May 1972	A new clause 4.2.1. has been added.	1 May 1972	
2. IS:489-1961 Specification for glass ampoules (revised)	S.O. 635 dated 3 Mar 1962	No.2 Jul 1972	With a view to incorporating the requirements of diluent ampoules needed for water for water for freeze dried vaccines, the Glassware Sectional Committee, responsible for the preparation of this standard decided to issue this amendment. It is also provided that Amendments No.1 and 2 shall stand automatically withdrawn as soon as the, 'Specification for Glass Tubes and Ampoules for Freeze Dried Vaccines, now under preparation, is printed.	1 Jul 1972	
3. IS:542-1968 Specification for coconut oil (second revision)	S.O. 4599 dated 28 Dec 1968	No.1 Jul 1972	Clause 2.1.2. has been substituted by a new one	1 Jul 1972	
4. IS:543-1968 Specification for cotton seed oil (second revision)	S.O. 1455 dated 10 Apr 1969	No.1 July 1972	Clause 2.1.3. has been substituted by a new one	1 Jul 1972	
5. IS:544-1968 Specification for groundnut oil (second revision)	S.O. 368 dated 25 Jan 1969	No.1 Jul 1972	(i) Clause 2.1.2 has been substituted by a new one. (ii) Table 1 has been amended	1 Jul 1972	
6. IS:547-1968 Specification for sesame oil (second revision)	S.O. 4599 dated 28 Dec 1968	No.1 Jul 1972	(i) Clause 2.1.2 has been substituted by a new one. (ii) New Clause 4.5 has been added (iii) A foot-note has been added at the end of page 6	1 Jul 1972	

(1)	(2)	(3)	(4)	(5)	(6)
7.	IS:628-1963 Specification for bicycle pedal assembly (revised)	S.O. 1760 dated 29 Jun 1963	No.3 May 1972	Clause 4.2 has been substituted by a new one	1 May 1972
8.	IS:887-1968 Specification for animal tallow (first revision)	S.O. 4599 dated 28 Dec 1968	No.1 July 1972	[Page 4, Table 1, Col 4, against Sl. No. (vi)] Substitute '1.0' for '0.5'	1 Jul 1972
9.	IS:1365-1968 Specification for slotted countersunk head and slotted raised countersunk head screws (diameter range 1.6 to 20 mm) (second revision)	S.O. 3608 dated 12 Oct 1968	No.1 Jun 1972	Clauses 5.1.1 and 5.1.2 have been substituted by new ones.	1 June 1972
10.	IS:1366-1968 Specification for slotted cheese head screws (diameter range 1.6 to 20 mm) (first revision)	S.O. 3608 dated 12 Oct 1968	No.1 May 1972	(i) Clause 5.1.1. has been substituted by a new one (ii) Tables 1 and 2 have been amended	1 May 1972
11.	IS:1459-1968 Specification for kerosines (first revision)	S.O. 2766 dated 10 Aug 1968	No.1 Jul 1972	Table 1 has been amended	1 Jul 1972.
12.	IS:1482-1970 Specification for metric scales for use with drafting machines (first revision)	S.O. 1107 dated 20 Mar 1971	No.1 Apr 1972	(i) (Page 4, clause 2.1, line 2)- Delete the scale ratio '1:25'. (ii) New matter has been under Fig. 1	1 Apr 1972
13.	IS:2026-1962 Specification for power transformers	S.O. 2698 dated 1 Sep 1962	No.6 May 1972	(i) Clauses 17.10.5, 17.13.7.3 and A - 1.1. (c) have been amended (ii) Caption of Fig. 22 has been substituted a by new one (iii) [Page 42 (page 43 of the Reprints) Fig. 22 (b), matter below the caption] Delete the following matter : 'Connection for transformers.....during test.' (iv) A new paragraph has been added under Clause 17.12.4.5. (v) A new clause 4.2.1 has been added. (vi) A new sentence has been added at the end of clause 17.13.7.1.	1 May 1972
14.	IS:2191 (Part II)-1966 Specification for wooden flush door shutters (cellular and hollow core type) Part II particle board face panels (first revision)	S.O. 2654 dated 5 Aug 1967	No.2 June 1972	(i) Title on first cover page, pages 1 and 2 has been substituted by a new one (ii) Clauses 2.1, 4.3 (re-numbered clause 4.4) and 5.2 have been substituted by new ones (iii) (Page 4, clause 3.1, line 2)-Add words 'and fibre hardboard' between the words 'board' and 'face panels' (iv) New clause 4.3 has been added after 4.2.3 and clause 4.3 re-numbered as 4.4	1 June 1972

1	2	3	4	5	6
15.	IS:2303-1963 Method of grading glass for alkalinity	S.O. 1760 dated 29 June 1963	No.1 June 1972	The Glassware Sectional Committee, responsible for the preparation of the standard, decided to issue this amendment in view of the necessity felt for a quick, non-destructive method of test which, though not so accurate as the powder method presently given in the standard gives a qualitative indication of the alkalinity of glass which is sufficient for certain glassware.	
16.	IS:3099-1965 Specification for slides and cover slips for microscopes	S.O. 2673 dated 28 Aug 1965	No.2 May 1972	Clause 3.7 has been substituted by a new one	1 May 1972
17.	IS:3413-1966 Specification for base paper for carbon paper	S.O. 520 dated 10 Feb 1968	No.1 May 1972	(i) Table 1 has been amended (ii) Clause 4.1 has been substituted by a new one (iii) New item (g) has been added after clause 4.2 (f)	1 May 1972
18.	IS:3975-1957 Specification for mild steel wires, strips and tapes for armouring cables	S.O. 3336 dated 23 Sep 1967	No.3 May 1972	(i) Clauses 4.1, 6.3 and table 2 have been substituted by new ones (ii) Clauses 6.1, 9.2.1 and 9.2.1 (b) have been amended	1 May 1972
19.	IS:4333 (Part I)- 1967 Methods of analysis for food-grains part I refractions	S.O. 1719 dated 18 May 1968	No.1 July 1972	(i) Clause 2.2.5 has been substituted by a new one (ii) Clause 5.3 has been amended	1 Jul 1972
20.	IS:4576-1968 Specification for liquefied petroleum gases	S.O. 2766 dated 10 Aug 1968	No.1 Jul 1972	Note 1 under Table 1 has been substituted by a new one	1 Jul 1972
21.	IS: 5225-1969 Specification for raingauge, non-recording	S.O. 89 dated 10 Jan 1970	No.2 May 1972	A note has been added under clause 4.1.1	1 May 1972
22.	IS:5604-1970 Specification for universal gearless hand operated pulling and lifting machines	S.O. 3544 dated 25 Sep 1971	No.2 May 1972	(i) Clauses 3.1, 4.8 (re-numbered 4.7) and C-4 have been amended (ii) Clause 4.1 has been substituted by a new one (iii) Clause 4.5 has been deleted and clauses 4.6, 4.7 and 4.8 re-numbered as 4.5, 4.6 and 4.7 respectively.	1 May 1972

Copies of these amendments are available with the Indian Standards Institution, 'Manak Bhavan', 9 Bahadur Shah Zafar Marg, New Delhi-1 and also its branch offices at (i) 'Sadhna' Tulsivihar, Khanpur, Ahmedabad-1 (ii) F Block, Unity, Bldg., Narasimharaja Square, Bangalore-2 (iii) 5 Chowringhee Approach, Calcutta-13 (iv) 54 General Patters Road, Madras-2 (v) 117/418 B, Sarvodaya Nagar, Kanpur (vi) 5-9-201/2 Chirag Ali Lane, Hyderabad-1, and (vii) 534 Sardar Vallabhbhai Patel Road, Bombay-7.

का० आ० 1700—समय मग्न पर संगोष्ठित भारतीय मानक संस्था (प्रमाणन निह) विनियम 1955 के उपचिनियम (1) के प्रनुसार भारतीय मानक संस्था द्वारा प्रधिसूचित किया जाता है कि नीचे अनुसूची में शिरों गये पैरीम लाइसेन्सों का नवीकरण माह नवम्बर 1972 में किया गया है—

अनुसूची

क्रम संख्या लाइसेन्स मर्क्या और तिथि वैधता की प्रशंसि से	तक लाइसेन्सधारी का नाम और पता	लाइसेन्स के अधीन वस्तु/प्रक्रिया तथा संबंधी पत्र नाम			
(1)	(2)	(3)	(4)	(5)	(6)
1 सी० एम०/एल०-3202 1-11-1972	1-11-1972 31-10-1973	सादू एंड कम्पनी, 233, बैमिलीयम रोड, जलकल कार्यालय के लिये 300 मिमी० हावड़ा, कार्यालय 129/10 ब्रेलि- लाइस तक के स्टूड वाल्व लियम रोड, हावड़ा			
2 सी० एम०/एल०-3203 1-11-1972	1-11-1972 31-10-1973	दि एल्यूमिनियम हैंडस्ट्रीज लि०, सं० 1, पी० पी० सी० रोधित और पी० पी० श्रमिक फैब्रिक रोड, कुवरा, (केरल सी० खोलवाले ठोम एल्यूमिनियम चालकों वाले 1100 खोल्ड और उतने तक रेटिंग के केबल— IS 4288-1967			
3 सी० एम०/एल०-3204 1-11-1972	1-11-1972 31-10-1973	सेवरी आयरन एंड स्टील क०, 6-सेवरी सरखना इस्पात (मानक किस्म)- क्राप रोड, बम्बई-15			IS : 226-1969
4. सी० एम०/एल०-3205 1-11-1972	1-11-1972 31-10-1973	" " "			सरखना इस्पात (माधारण किस्म)- IS : 1977-1969
5. सी० एम०/एल०-3206 1-11-1972	1-11-1972 31-10-1973	एकूमेक्स लिमिटेड, 'एपेक्स' भवितनगर, निम्न प्रकार के खड़ी डीजल इंजिन स्टेशन रोड, राजकोट (गुजरात) कार्यालय नवलकुंज एनेक्सी, झा० कि था० आर० पी० टाइगर राजेन्ट्रप्रमाद रोड, राजकोट-1 (गुजरात) प्र०			
				3.67 (5 1300 142 हा पा०)	IS: 1601-1960
6 सी० एम०/एल०-3207 1-11-1972	1-11-1972 31-10-1973	विकारी इलेक्ट्रिक्स, प्लाट सं० 92 सी०, कर्नाटकी इलेक्ट्रियल इस्टेट, कर्नाटकी वस्टर्व-67	(1) इकहरी कोर, बिना खोल आने, 250/440 बोल्ट प्रेड ताबा वाले चालक ग्रीर (2) इकहरी कोर, खोलवाले, 650/ 1100 बोल्ट प्रेड एल्यूमिनियम वाले चालक— IS 691 (भाग 1 प्रौद 2)-1964		
7 सी० एम०/एल०-3208 3-11-1972	16-11-1972 15-11-1973	मेसूर एमोकेमिकल्स, अन्नारी रोड, बन्दर मंगलोर-1	डी० डी० पी० पायसनीय तेज द्रव— IS 663-1956		
8 सी० एम०/एल०-3209 3-11-1972	16-11-1972 15-11-1973	" " "	एन्ड्रिन पायसनीय तेज द्रव— IS 1310-1968		
9. सी० एम०/एल०-3210 3-11-1972	16-11-1972 15-11-1973	टाटा फिशन इंडस्ट्रीज लि०, प्लाट सं० 94 इल्स्ट्रियल इस्टेट, अम्बाटूर- मद्रास-58	फेरीस्ट्रोथियान पायसनीय तेज द्रव— IS 5281-1969		
10 सी० एम०/एल०-3211 3-11-1972	1-11-1972 31-10-1973	कनिस इंडस्ट्रियल कारपोरेशन, (कन्फर्टर्स इंडियन्स) प्र०-5, इंडस्ट्रियल इस्टेट, वारानसी (उप्र०)	शिरोपरियावर प्रेषण कार्यों के लिये मछल बिंबे लड़दार एल्यूमिनियम प्रौद इस्पात की कोर वाले चालक— IS:398-1961		

(1)	(2)	(3)	(4)	(5)	(6)
11. सी० एम०/एल०-3212 3-11-1972	16-11-1972	15-11-1973	शिहन महाराष्ट्र शुगर मिडीकेट लि०, रम-	श्रीपुर, तहसील मलसीराम, जिला शोलापुर, महाराष्ट्र राज्य (कार्यालय 980 सत्याशिव पेठ, कानवेल्य बिल्डिंग लक्ष्मी रोड, पूना-30 जिला पूना (महाराष्ट्र)	IS:3811-1966
12. सी० एम०/एल०-3213 3-11-1972	16-11-1972	15-11-1973	शिहन महाराष्ट्र शुगर मिडीकेट लि०, जिन-	श्रीपुर, तहसील मलसीराम, जिला शोलापुर, महाराष्ट्र राज्य (कार्यालय: 980 सत्याशिव पेठ, कामनवेल्य बिल्डिंग लक्ष्मीरोड, पूना-30 जिला पूना (महाराष्ट्र)	IS:4100-1967
13. सी० एम०/एल०-3214 3-11-1972	16-11-1972	15-11-1973	" "		द्विवस्तिक्यां— IS:4449-1967
14. सी० एम०/एल०-3215 3-11-1972	16-11-1972	15-11-1973	" "		प्रांडिया— IS:4450-1967
15. सी० एम०/एल०-3216 10-11-1972	16-11-1972	15-11-1973	श्रीराम स्माल स्केल इंडस्ट्रीज, 1/5 ए०, बुरवारी तहसील रोड, कलकत्ता-10		अनिको के लिये केवल चमड़े के तस्ली लगे बचाव चमड़ा के बूट— IS:1989-1967
16. सी० एम०/एल०-3217 13-11-1972	16-11-1972	15-11-1973	मेट्रोपोल कारपोरेशन (इंडिया), 262, फैज 3, ओखला इंडस्ट्रियल इस्टेट के भीतर नई दिल्ली-20		कपड़ा धोने का टाइप 1 ग्रेड 2, शुद्ध साबुन— IS:285-1964
17. सी० एम०/एल०-3218 13-11-1972	16-11-1972	15-11-1973	मेट्रोपोल कारपोरेशन (इंडिया), 262, फैज, 3, ओखला इंडस्ट्रियल इस्टेट के भीतर, नई दिल्ली-20		प्रवित साबुन— IS:4199-1967
18. सी० एम०/एल०-3219 13-11-1972	16-11-1972	15-11-1973	श्री० सी० श्रावन फाउंडरी, सुल्तान गंज, आगरा		मेनहोल नमूने 1 और 2 के ढलवां लोहे के पायथान— IS:5455-1989
19. सी० एम०/एल०-3220 14-11-1972	16-11-1972	15-11-1973	संकर मशीन टूल्स प्रा० लि०, 27 मार्डन इंडस्ट्रियल इस्टेट, बहादुरगढ़, जिला रोहतक		उच्चतम् सी० और मूलालयों के लिये घंटे नुमा केवल 12.5 लीटर समाई वाले ढलवां लोहे की फर्मेशिंग टंकिया IS:774-1971
20. सी० एम०/एल०-3221 28-11-1972	1-12-1972	30-11-1973	स्टील टेप्यूब आफ इंडिया प्रा० लि०, स्वचल कार्यों के लिये केवल ₹० आर० 27/34 इंडस्ट्रियल इस्टेट, इन्दौर		उच्चतम् १ प्रकार की इस्पात की नामियाँ:— IS:3074-1965
21. सी० एम०/एल०-3222 28-11-1972	1-12-1972	30-11-1973	श्री० मेगना मिल्स कं० लि०, डाकधर अगतवल जिला 24-परगना (कार्यालय 16 स्ट्रेट रोड, कलकत्ता में है) (1) ए-ट्रिवल पटसन बोरे— (2) बी-ट्रिवल पटसन बोरे— IS:1943-1964		
22. सी० एम०/एल०-3223 28-11-1972	1-12-1972	30-11-1973	सिद्धीचेम लिमिटेड, टाउन सियो, तहसील पांड जिला वर्धा, (कार्यालय: भरसकर बिल्डिंग: एक दाम सेठ, नामपुर-10 में है।		श्री० एच० सी० धूलन पाउडर— IS:561-1962
23. सी० एम०/एल०-3224 28-11-1972	1-12-1972	30-11-1973	" "		श्री० एच० सी० जल विमर्जनीय पाउडर— IS:562-1961

(1)	(2)	(3)	(4)	(5)	(6)
24. सी० एम०/एल०-3225 28-11-1972	1-12-1972	30-11-1973	"	"	डी० डो० टी० धूलन पाउडर- IS:564-1961
25. सी० एम०/एल०-3226 28-11-1972	1-12-1972	30-11-1973	"	"	डी० ई० टी० जल विसर्जनीय तेज चूर्ण- आई० एम० 565-1961
26. सी० एम०/एल-3227 28-11-1972	1-12-1972	30-11-1973	मिश्रोचेम लिमिटेड, टाउन सिदी तहसील एंड जिला वर्धा (कार्यालय: घरसकर विलिंग एक दाम पेठ, नागपुर-10 में है)	एल्फ्रेन का पायसनीय तेज चूर्ण-	IS:1310-1958
27. सी० एम०/एल-3228 28-11-1972	1-12-1972	30-11-1973	पी० एन० एम० कम्पनी, पेक्षदराय रोड, बी० एच० सी० धूलन पाउडर- हरोड, (कार्यालय: 95-केलाम्पलयम रोड, इरोड में है)	हरोड, (कार्यालय: 95-केलाम्पलयम रोड, इरोड में है)	IS:561-1962
28. सी० एम०/एल-3229 28-11-1972	1-12-1972	30-11-1973	"	"	डी० ई० टी० धूलन पाउडर- IS:564-1961
29. सी० एम०/एम०-3230 28-11-1972	1-12-1972	30-11-1973	"	"	मालायियोन पायसनीय तेज द्रव- IS:2567-1963
30. सी० एम०/एल-3231 28-11-1972	1-12-1972	30-11-1973	सीव प्राइवेट लिंग, सुन्दरमदूर रोड, कुनियामदूर डाकघर, कोयम्बटूर-8 (कार्यालय: कोनियामदूर कोयम्बटूर में है)	मिन रेटिंग वाले छड़ी प्रकार के डिजल कुनियामदूर डाकघर, कोयम्बटूर-8 (कार्यालय: कोनियामदूर कोयम्बटूर में है)	इंजिन कि० वा० आर० पी० एम० टाइप 3.7(5 हा० पा०) 1500 एस० ओ० सी० ए० IS:1601-1960
31. सी० एम०/एल०-3232 28-11-1972	1-12-1972	30-11-1973	नेशनल मेटल प्रेसिंग कारपोरेशन, 83/2, पिटांग एल्युमिनियम के बर्टन थ्रेड- इण्डस्ट्रियल एरिया, बंगलौर-22	पिटांग एल्युमिनियम के बर्टन थ्रेड- एस० आई० सी०- IS:211-1959	
32. सी० एम०/एल-3233 30-11-1972	1-12-1972	30-11-1973	न्यू विजय हॉस्ट्रीज लिंग, आर एस० सं० ठडे और सारु ताजे पानी के लिये 358, डाकघर विलिंग कालिङ, थैरिंग अपकेन्द्रीय पम केवल साइड विश्राम बेग, संगली (महाराष्ट्र राज्य) साइज 75.65 मिमी- IS:1520-1969	साइड साइज 75.65 मिमी- IS:1520-1969	
33. सी० एम०/एल-3234 30-11-1972	1-12-1972	30-11-1973	सी० प्रभुदास क० प्रा० लिंग, इंडस्ट्री इस्पात की कोर वाले एल्युमिनियम हिवीजन, बंदर रोड, भावनगर (गुज- रात)	इस्पात की कोर वाले एल्युमिनियम चालकों के लिये इस्पात के तार- रात	IS:398-1961
34. सी० एम०/एल-3235 30-11-1972	1-12-1972	30-11-1973	स्वरूप केमिकल्स, बाटर वर्क्स रोड, ऐश- बाग लखनऊ-4	एल्फ्रेन धूलन वाऊडर- IS:130-1958	
35. सी० एम०/एल-3236 30-11-1972	1-12-1972	30-11-1973	सिदीचेम लिमिटेड, टाउनसिदी, तहसील एंड जिला वर्धा (कार्यालय: घरसकर विलिंग रामदास पेठ, नागपुर-10 में है)।	भालायियान पायसनीय तेज द्रव- IS:2567-1963	

S.O. 1700.—In pursuance of sub-regulation (1) of Regulation 8 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as amended from time to time, the Indian Standards Institution hereby notifies that thirtyfive licences, particulars of which are given in the following Schedule, have been granted during the month of November 1972 authorizing the licensees to use the Standard Marks.

SCHEDULE

Sl. No.	Licence No. (CM/L-)	Period of Validity		Name and Address of the Licensee	Article/Process Covered by the Licences and the Relevant IS : Designation
		From	To		
(1)	(2)	(3)	(4)	(5)	(6)
1.	CM/L-3202 1-11-1972	1-11-1972	31-10-1973	Shau & Company, 223, Belilious Road, Howrah (Office : 129/10, Belilious Road, Howrah).	Sluice valves for water works purposes, upto 300 mm size— IS : 780-1969
2.	CM/L-3203 1-11-1972	1-11-1972	31-10-1973	The Aluminium Industries Ltd., No. 1, Ceramic Factory Road, Kundara, Kerala State.	PVC—insulated and PVC—sheathed solid aluminium conductor cables of voltage rating upto and including 1100 volts— IS : 4288-1967.
3.	CM/L-3204 1-11-1972	1-11-1972	31-10-1973	Sewrec Iron & Steel Co., 6, Sewrec Cross Road, Bombay-15.	Structural steel (Standard Quality) —IS : 226-1969
4.	CM/L-3205 1-11-1972	1-11-1972	31-10-1973	-do-	Structural steel (Ordinary Quality) —IS : 1977-1969
5.	CM/L-3206 1-11-1972	1-11-1972	31-10-1973	Accumax Limited, 'Appeksha' Bhaktinagar, Station Road, Rajkot (Gujarat), (Office : Naval Kunj Annex, Dr. Rajendra prasad Road, Rajkot-1 (Gujarat)	Vertical diesel engines of the following rating : KW RPM Type 3.67 5HP 1500 VW-2 IS : 1601-1960
6.	CM/L-3207 1-11-1972	1-11-1972	31-10-1973	Vicki Electronics, Plot No. 92C, Kandivilee Industrial Estate, Kandivilee, Bombay-67	PVC insulated cables : 1. Single core, unsheathed, 250/440 volts grade with copper conductor; and 2. Single core, sheathed, 650/1100 volts grade with aluminium conductor. IS : 694 (Part I & II)-1964
7.	CM/L-3208 3-11-1972	16-11-1972	15-11-1973	Mysore Agro Chemicals, Ansari Road, Bunder, Mangalore-1	DDT Emulsifiable concentrates— IS : 633-1956
8.	CM/L-3209 3-11-1972	16-11-1972	15-11-1973	-do-	Endrin emulsifiable concentrates— IS : 1310-1958
9.	CM/L-3210 3-11-1972	16-11-1972	15-11-1973	Tata Fison Industries Ltd. Plot No. 94, Industrial Estate, Ambattur, Madras-58	Fenitrothion emulsifiable concentrates— IS : 5281-1969
10.	CM/L-3211 3-11-1972	1-11-1972	31-10-1973	Kavisa Industrial Corporation, (Conductor Division), A-5, Industrial Estate, Varanasi (UP)	Hard-drawn standard aluminium and steel-cored aluminium conductors for overhead power transmission purposes— IS : 398-1961
11.	CM/L-3212 3-11-1972	16-11-1972	15-11-1973	Brihan Maharashtra Sugar Syndicate Ltd, Shreepur, Tahsil Malsiras, Distt. Sholapur, Maharashtra State, (Office : 980, Sadashiv Peth, Commonwealth Bldg., Laxmi Road Poona-30 Distt. Poona (Maharashtra State)	Rum— IS : 3811-1966
12.	CM/L-3213 3-11-1972	16-11-1972	15-11-1973	Brihan Maharashtra Sugar Syndicate Ltd, Shreepur, Tahsil : Malsiras, Distt. Sholapur, Maharashtra (Office : 980, Sadashiv Peth, Commonwealth Bldg, Laxmi Road, Poona-30, Distt. Poona) (Maharashtra State)	Gin— IS : 4100-1967
13.	CM/L-3214 3-11-1972	16-11-1972	15-11-1973	-do-	Whisky— IS : 4449-1967
14.	CM/L-3215 3-11-1972	16-11-1972	15-11-1973	-do-	Brandies— IS : 4450-1967

(1)	(2)	(3)	(4)	(5)	(6)
15. CM/L-3216 10-11-1972	.	16-11-1972	15-11-1973	Hiron Small Scale Industries, 1/5A, Burwaritala Road, Cal- cutta-10	Miners' safety leather boots with leather sole only—IS : 1989- 1967
16. CM/L-3217 13-11-1972	.	16-11-1972	15-11-1973	Metropol Corpn. (India), 262, Phase III, Inside Okhla In- dustrial Estate, New Delhi-20	Laundry soap, type I, Grade II, pure—IS : 285-1964
17. CM/L-3218 13-11-1972	.	16-11-1972	15-11-1973	-do-	Liquid soap—IS : 4199-1967
18. CM/L-3219 13-11-1972	.	16-11-1972	15-11-1973	B.C. Iron Foundry, Sultanganj, Agra	Cast iron steps for manholes pattern I and II—IS : 5455- 1969
19. CM/L-3220 14-11-1972	.	16-11-1972	15-11-1973	Shankara Machine Tools Pvt. Ltd., 27A, Modern Industrial Estate, Bahadurgarh, Distt. Rohtak	Cast iron flushing cisterns for water-closets and urinals, bell type, 12.5 litres capacity only—IS : 774-1971
20. CM/L-3221 28-11-1972	.	1-12-1972	30-11-1973	Steel Tubes of India Pvt. Ltd, 27/34, Industrial Estate, Indore	Steel tubes for automotive pur- poses, grade ERW-I only— IS : 3074-1965
21. CM/L-3222 28-11-1972	.	1-12-1972	30-11-1973	The Megna Mills Co. Ltd, P.O. Jagatdal, Distt. 24 Parganas (Office : 16 Strand Road, Calcutta)	(i) A-twill jute bags—IS : 1943- 1964 (ii) B-twill jute bags—IS : 2566- 1965
22. CM/L-3223 28-11-1972	.	1-12-1972	30-11-1973	Sindichem Ltd, Town Sindri, Tahsil & Distt. Wardha (Office : Dharaskar Bldg., Ramdaspeth, Nagpur-10)	BHC dusting powders—IS : 561- 1962
23. CM/L-3224 28-11-1972	.	1-12-1972	30-11-1973	-do-	BHC water dispersible powder— IS : 562-1961
24. CM/L-3225 28-11-1972	.	1-12-1972	30-11-1973	-do-	DDT dusting powders—IS : 564- 1961
25. CM/L-3226 28-11-1972	.	1-12-1972	30-11-1973	-do-	DDT water dispersible powder concentrates—IS : 565-1961
26. CM/L-3227 28-11-1972	.	1-12-1972	30-11-1973	-do-	Endrin emulsifiable concentrates— IS : 1310-1958
27. CM/L-3228 28-11-1972	.	1-12-1972	30-11-1973	P.N.M. Company, Perundurai Road, Erode (Office : 95, Kollampalayam Road, Erode-1)	BHC dusting powders—IS : 561- 1962
28. CM/L-3229 28-11-1972	.	1-12-1972	30-11-1973	-do-	DDT dusting powders—IS : 564- 1961
29. CM/L-3230 28-11-1972	.	1-12-1972	30-11-1973	-do-	Malathion emulsifiable con- centrates—IS : 2567-1963
30. CM/L-3231 28-11-1972	.	1-12-1972	30-11-1973	Sova Private Ltd, Sundakkam- muthur Road, Kuniamuthur Post, Coimbatore-8 (Office : Kuniamuthur, Coimbatore-8)	Verticle diesel engines of the following rating : KW R.P.M. Type 3.7(5HP) 1500 SOVA-1 IS : 1601-1960
31. CM/L-3232 28-11-1972	.	1-12-1972	30-11-1973	National Metal Pressing Corpn., 83/2, Industrial Area, Banga- lore-22	Wrought aluminium Grade : 'SIC'—IS : 21-1959
32. CM/L-3233 30-11-1972	.	1-12-1972	30-11-1973	New Vijay Industries Ltd, R.S. No. 358, P.O. Willingdon College, Vishrambag, Sangli (Maharashtra State)	Horizontal centrifugal pumps for clear, cold, fresh water, size 75x65 mm only—IS : 1520- 1969
33. CM/L-3234 30-11-1972	.	1-12-1972	30-11-1973	C. Prabhudas & Co. Pvt. Ltd, Industry Division, Bunder Road, Bhavnagar, (Gujarat)	Steel wire for the core of steel- cored aluminium conductors— IS : 398-1961
34. CM/L-3235 30-11-1972	.	1-12-1972	30-11-1973	Swrup Chemicals, Water Works Road, Aish Bagh, Lucknow-4	Aldrin dusting powders—IS : 1308-1958
35. CM/L-3236 30-11-1972	.	1-12-1972	30-11-1973	Sindichem Limited, Town Sindri, Tahsil and District Wardha (Office : Dharaskar Building, Ramdas Peth, Nagpur-10)	Malathion emulsifiable concen- trates—IS : 2567-1963

आदेश

नई दिल्ली, 31 मई, 1973

का. आ. 1701.—आईटी आर ए/6/4/73-विकास परिषद् (प्रौद्योगिकीय संस्थान) नियम, 1952 के नियम 3 और 8 के साथ परिवर्तन उत्पादन (विकास और विनियमन) अधिनियम, 1951 की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, (1) श्री अशोक गरवारे के स्थान पर अध्यक्ष, मैसर्स एसोसिएशन आफ सिन्थेटिक फाइबर्स आफ इण्डिया, 84 वीर नरीमान रोड मुम्बई (2) श्री डी. एन श्रोफ के स्थान पर अध्यक्ष, मैसर्स सिल्क एण्ड आर्ट सिल्क मिल्स एसोसिएशन लिमिटेड, 78, वीर नरीमान रोड, मुम्बई, (3) अध्यक्ष, एसोसिएशन आफ मैन-मैट, फाइबर इण्डस्ट्री, 78, वीर नरीमान रोड, मुम्बई, (4) श्री सुभाष ठक्कर, मैसर्स इम्पोर्ट-एक्स प्राइवेट लिमिटेड, साधना हाउस, दावाभाई नारोजी रोड, मुम्बई को, 28 नवम्बर, 1974 तक, जिसमें यह तारीख भी समीक्षित है, द्वी अवधि के लिए भानवीनर्मत वस्त्र विकास परिषद् के सदस्यों के रूप में नियुक्त करती है और भारत सरकार के भूतपूर्व औस्तांगीक विकास के आदेश सं. 4058/आईटी द्वारा ए/6/8/74, तारीख 29 नवम्बर, 1972 में निम्नलिखित संशोधन करती है, अर्थात् :— उक्त आदेश के पैरा 1 में,

(1) कम सं. 5, 6, 24 और 25 तथा उनसे संबंधित प्रविष्टियों के स्थान पर कमशः निम्नलिखित कम सं. और प्रविष्टियां रखी जाएंगी, अर्थात् :—

“(5) अध्यक्ष, मैसर्स एसोसिएशन आफ सिन्थेटिक फाइबर्स आफ इण्डिया, 84, वीर नरीमान रोड, मुम्बई;

“(6) अध्यक्ष, मैसर्स सिल्क एण्ड आर्ट सिल्क मिल्स एसोसिएशन लिमिटेड, 78, वीर नरीमान रोड, मुम्बई,

(24) डा. ए सीताशमश्या, महानिदेशक, तकनीकी विकास महानिदेशालय, नई दिल्ली,

(25) अध्यक्ष, एसोसिएशन आफ मैन-मैट फाइबर इण्डस्ट्री, 78, वीर नरीमान रोड, मुम्बई,”

(2) कम सं. 25 के पश्चात निम्नलिखित कम सं. और प्रविष्टि अन्तःस्थापित की जाएगी, अर्थात् :—

“(26) श्री सुभाष ठक्कर, मैसर्स इम्पोर्ट-एक्स प्राइवेट लिमिटेड साधना हाउस, दावाभाई नारोजी रोड, मुम्बई”।

[सं. 15(8)/71-एल. सी.]

एस. बी. गोयल, अधर सचिव

ORDER

New Delhi, the 31st May, 1973

S.O. 1701.—IDRA/6/4/73—In exercise of the powers conferred by section 6 of the Industries (Development and Regulation) Act, 1951, read with rules 3 and 8 of the Development Councils (Procedural) Rules, 1952, the Central Government hereby appoints (1) The Chairman, M/s. Association of Synthetic Fibres of India, 84, Veer Nariman Road, Bombay, in place of Shri Ashok Garware, (2) The Chairman, M/s. Silk & Art Silk Mills Association Ltd, 78, Veer Nariman Road, Bombay, in place of Shri D. N. Shroff, (3) The President, Association of Man-Made Fibre Industry, 78, Veer Nariman Road, Bombay, (4) Shri Subhash Thakkar of M/s. Importex Private Limited, Sadham House, Dadabhoj Naroji Road, Bombay, as members of the Development Council for Man-Made Textiles, for a period upto and inclusive of

the 28th November, 1974, and makes the following amendments in the Order of the Government of India in the late Ministry of Industrial Development No. 4058/IDRA/6/8/72 dated the 29th November, 1972, namely :—

In paragraph 1 of the said Order :—

(1) for Serial Nos. 5, 6, 24 and 25 and the entries relating thereto, the following serial Nos. and entries shall respectively be substituted, namely :—

“(5) The Chairman, M/s. Association of Synthetic Fibres of India, 84, Veer Nariman Road, Bombay;

(6) The Chairman, M/s. Silk and Art Silk Mills Association Limited, 78, Veer Nariman Road, Bombay;

(24) Dr. A. Seetharamiah, Director General, Directorate General of Technical Development, New Delhi;

(25) The President, Association of Man-Made Fibre Industry, 78, Veer Nariman Road, Bombay,”

(2) after Serial No. 25, the following Serial No. and entry shall be inserted, namely :—

“(26) Shri Subhas Thakkar of M/s. Importex Private Limited, Sadham House, Dadabhoj Naroji Road, Bombay.”

[No. 15 (8)/71-LC]

S. B. GOEL, Under Secy.

संचार मंत्रालय

(डा.क-तार थाई)

नई दिल्ली, 15 जून, 1973

का. आ. 1702.—स्थायी संचारा संख्या 627, विनांक 8 मार्च, 1960 द्वारा लागू किए गए भारतीय तारीखियम 1951 के नियम 434 के खण्ड 3 के पैरा (क) के अनुसार डा.क-तार महानिदेशक ने कोर्झमा टैलीफोन केन्द्र में विनांक 1-7-73 से प्रमाणित दर प्रणाली लागू करने का निश्चय किया है।

[सं. 5-22/73 पी. एच. बी.]

बी. बोहरा, सहायक महानिदेशक (पी. एच. बी.)

MINISTRY OF COMMUNICATIONS

(P & T BOARD)

New Delhi, the 7th/15th June, 1973

S.O. 1702.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960, the Director General, Posts and Telegraphs, hereby specifies the 1-7-1973 as the date on which the Measured Rate System will be introduced in KOHIMA Telephone Exchange, North Eastern Circle.

[No. 5-22/73-PHB]

A. S. VOHRA,

Assistant Director General (PHB).

सूचना और प्रसारण मंत्रालय

नई दिल्ली, 18 मई, 1973

का. आ. 1703.—चलचित्र अधिनियम, 1952 की धारा 5(1) और चलचित्र (सैन्सर) नियम, 1958 के नियम 9 के उप-नियम (2) के साथ परिवर्तन नियम 8 के उप-नियम (3) द्वारा प्रकृत अधिकारों का प्रयोग करते हुए, केन्द्रीय सरकार ने केन्द्रीय फिल्म संस्करणों से

परामर्श करके एतद्वारा निम्नलिखित व्यक्तियों को तत्काल से 30 जून, 1973 तक उक्त बोर्ड के अध्यक्ष सलाहकार पैनल का सदस्य नियुक्त किया गया हैः—

1. श्रीमती वीना सेठी
2. श्रीमती आशा सेठ
3. श्रीमती मालती गिलानी
4. श्रीमती मन्जु अग्रवाल
5. श्री जोया अन्सरी

[सं. 11/3/72-एफ(सी)]

MINISTRY OF INFORMATION & BROADCASTING

New Delhi, 18th May, 1973

S.O. 1703.—In exercise of the powers conferred by section 5 (1) of the Cinematograph Act, 1952 and sub-rule (3) of rule 8 read with sub-rule 2 of rule 9 of the Cinematograph (Censorship) Rules, 1958, the Central Government hereby appoints the following persons after consultation with the Central Board of Film Censors as Members of the Advisory Panel of the said Board at Bombay with immediate effect upto 30th June, 1973:—

1. Smt. Veena Sethi
2. Smt. Asha Seth
3. Smt. Malati Gilani
4. Smt. Manju Agarwal
5. Shri Zoya Ansari

[No. 11/3/72-F(C)]

का. आ. 1704.—चलचित्र अधिनियम, 1952 की धारा 5(1) और चलचित्र (सैन्सर) नियम, 1958 के नियम 9 के उपनियम (2) के साथ पठित नियम 8 के उप-नियम (3) द्वारा प्रबन्ध अधिकारों का प्रयोग करते हुए कल्पनीय सरकार ने कल्पनीय फिल्म सैन्सर बोर्ड से परामर्श करके एतद्वारा श्रीमती वीना सेठी वसु को तत्काल से 30 जून, 1973 तक उक्त बोर्ड के कलकत्ता सलाहकार पैनल का सदस्य नियुक्त किया गया है।

[सं. 11/5/72-एफ(सी)]

S.O. 1704.—In exercise of the powers conferred by section 5 (1) of the Cinematograph Act, 1952 and sub-rule (3) or rule 8 read with sub-rule 2 of rule 9 of the Cinematograph (Censorship) Rules, 1958, the Central Government hereby appoints Smt. Minakshi Basu after consultation with the Central Board of Film Censors as member of the Advisory Panel of the said Board at Calcutta with immediate effect upto 30th June, 1973.

[No. 11/5/72-F(C)]

नई दिल्ली, 19 मई, 1973

का. आ. 1705.—चलचित्र अधिनियम, 1962 की धारा 5(1) और चलचित्र (सैन्सर) नियम, 1958 के नियम 9 के उप-नियम (2) के साथ पठित नियम 8 के उप-नियम (3) द्वारा प्रबन्ध अधिकारों का प्रयोग करते हुए कल्पनीय सरकार ने कल्पनीय फिल्म सैन्सर बोर्ड से परामर्श करके एतद्वारा निम्नलिखित व्यक्तियों को तत्काल से 30 जून, 1973 तक उक्त बोर्ड के मद्रास सलाहकार पैनल का सदस्य नियुक्त किया गया हैः—

1. श्रीमती जी. द्वेरा
2. श्रीमती पद्मा सदानन्दम्

[सं. 11/4/72-एफ(सी)]
हरजीत सिंह, अकर सचिव

New Delhi, 19th May, 1973

S.O. 1705.—In exercise of the powers conferred by section 5 (1) of the Cinematograph Act, 1952 and sub-rule (3) of rule 8 read with sub-rule 2 of rule 9 of the Cinematograph (Censorship) Rules, 1958, the Central Government hereby appoints the following persons after consultation with the Central Board of Film Censors as Members of the Advisory Panel of the said Board at Madras with immediate effect upto 30th June, 1973:—

1. Smt. G. Dubey
2. Smt. Padma Sadanandam

[No. 11/4/72-F(C)]
HARJIT SINGH, Under Secy.

स्वास्थ्य और परिवार नियोजन मंत्रालय

(स्वास्थ्य विभाग)

नई दिल्ली, 2 जून, 1973

का. आ. 1706. भारतीय चिकित्सा परिषद् अधिनियम, 1956 (1956 का 102) की धारा 3 की उपधारा (1) के खण्ड (ख) के उपबन्धों के अनुसरण में निम्नलिखित व्यक्तियों को उनके सामने दिखाये गये विश्वविद्यालय द्वारा प्रत्येक के सामने दी गई तिथि से भारतीय चिकित्सा परिषद् का सदस्य नियुक्त किया गया है, नामतः—

व्यक्ति का नाम	विश्वविद्यालय का नाम जिसके द्वारा नियुक्ति किया गया है	नियुक्ति तिथि
1. डा० पी० एन० छुटानी निदेशक, स्नातकोत्तर चिकित्सा शिक्षा विद्यालय एवं अनुसंधान संस्थान, चण्डीगढ़ को डा० वाई० सचिवेश के स्थान पर जो प्रबन्ध उक्त अधिनियम की धारा 7 की उपधारा (3) के अधीन इस परिषद् के सदस्य नहीं रहे।	प्रजावं विश्व-	25-3-1973
2. डा० बी० पी० मिन्हा, प्रधानाचार्य, हिमाचल प्रदेश एच०पी० मेडिकल कालेज, शिमला विश्वविद्यालय	विश्वविद्यालय	7-4-1973
अब अतः उक्त अधिनियम की धारा 3 की उपधारा (1) के उपबन्धों के अनुसरण में कल्पनीय सरकार एतद्वारा भारत सरकार के पूर्व स्वास्थ्य भवालय की अधिसूचना सं० 5-13/59 एम०ग्राही० विनांक 9 जून, 1960 में आगे निम्नलिखित संशोधन करती है, नामतः—	भवालय	
उपरोक्त अधिसूचना में “धारा 3, उपधारा (1) के खण्ड (ख) के अधीन नियुक्ति शीर्षक के अन्तर्गत—		
(1) कम सं० 9 के सामने की प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि प्रतिस्थापित की जायेगी:— “डा० पी० एन० छुटानी, निदेशक, स्नातकोत्तर चिकित्सा शिक्षण एवं अनुसंधान संस्थान, चण्डीगढ़”।		
(2) कलकत्ता विश्वविद्यालय से सम्बन्धित प्रविष्टि सं० 46 के आद निम्नलिखित प्रविष्टि प्रतिस्थापित की जायेगी, नामतः “47. डा० बी० पी० सिन्हा, प्रधानाचार्य, हिमाचल प्रदेश मेडिकल कालेज, शिमला”।		
	[सं०वी० 11013/1/72 एम. पी. टी.]	

MINISTRY OF HEALTH AND FAMILY PLANNING
(Department of Health)

New Delhi, the 2nd June, 1973

S.O. 1706.—Whereas in pursuance of the provisions of clause (b) of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956), the following persons have been elected by the University specified against each of them to be members of the Medical Council of India with effect from the dates noted against each, namely :—

Name of person	Name of University which elected him	Date of election
1 Dr. P N. Chhuttani, Director, Post-graduate Medical Education and Research Institute, Chandigarh, vice Dr. Y. Sachdeva who has ceased to be a member of the Council under sub-section (3) of section 7 of the Act.	Punjab University	25-3-1973
2 Dr. B.P. Sinha, Principal, Himachal Pradesh H. P. Medical College, University Simla.		7-4-1973

NOW, therefore, in pursuance of the provisions of sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following further amendments in the notification of the Government of India, in the late Ministry of Health No 5-13/59-MI, dated the 9th June, 1960, namely :—

In the said notification, under the heading "Elected under clause (b) of sub-section (1) of section 3"—

(i) for the entry against serial No 9, the following entry shall be substituted, namely :—

"Dr. P. N. Chhuttani,
Director, Post-graduate Medical
Education Research Institute,
Chandigarh"

Punjab
University

(ii) after entry No 46 relating to the Calicut University, the following entry shall be inserted, namely :—

"47 Dr. B.P. Sinha,
Principal, H.P. Medical College,
Simla"

[No 11013/1/72-MPT]

नव्वे चिल्ली, 4 जून, 1973

का. आ. 1707.—यतः भारतीय चिकित्सा परिषद् अधिनियम, 1956 (1956 का 102) की धारा 3 की उपधारा (1) के खण्ड (क) के उपबंधों का अनुसरण करते हुए उत्था जम्मू व कश्मीर सरकार के परामर्श से केन्द्रीय सरकार ने 8 मार्च, 1973 से जम्मू व कश्मीर राज्य के चिकित्सा शिक्षा के सलाहकार-सह-सचिव डा. सन्तोष सिंह आनन्द, को 8 मार्च, 1973 से भारतीय चिकित्सा परिषद् का सदस्य मनोनीत किया है।

अब, अतः उक्त अधिनियम की धारा 3 की उपधारा (1) के उपबंधों का अनुसरण करते हुए, केन्द्रीय सरकार भारत सरकार के पूर्व स्वास्थ्य मंत्रालय की दिनांक 9 जनवरी, 1960 की अधिसूचना सं. 5-13/59-एम. आई. में एतद्वारा आगे निम्नलिखित संशोधन करती है : नामतः—

उक्त अधिसूचना में क्रम सं. 15 के सामने धारा 3 की उपधारा (1) खण्ड (क) के अधीन निवाचित शीर्षक के अंतर्गत विषयमान

प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि प्रतिस्थापित की जाये, नामतः—

"डा. सन्तोष सिंह आनन्द,
सलाहकार-सह-सचिव, चिकित्सा शिक्षा,
जम्मू व कश्मीर"।

[रां. धी. 11013/2/73-एम. धी. टी.]

सती बालकृष्णा, अवर सचिव

New Delhi, the 4th June, 1973

S.O. 1707.—Whereas the Central Government has, in pursuance of the provisions of clause (a) of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956) and in consultation with the Government of Jammu and Kashmir, nominated Dr. Santokh Singh Anand, Adviser-cum-Secretary, Medical Education, Jammu and Kashmir State, to be a member of the Medical Council of India with effect from the 8th March, 1973:

Now, therefore, in pursuance of the provisions of sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following further amendment in the notification of the Government of India in the late Ministry of Health No. 5-13/59-MI, dated the 9th January, 1960, namely:—

In the said notification, under the heading Nominated under clause (a) of sub-section (1) of section 3, against serial No. 15, for the existing entry, the following entry shall be substituted, namely:—

"Dr. Santokh Singh Anand, Adviser-cum-Secretary, Medical Education, Jammu and Kashmir."

[No. V. 11013/2/73-MPT.]

Km. SATHI BALAKRISHNA, Under Secy.

पर्षटन और नागर विमान मंत्रालय

मही दिल्ली, 1 जून, 1973

का. आ. 1708.—यतः 31 मही, 1973 की रात को इंडियन एयरलाइंस का एक बोइंग 737 विमान धी. टी.ई. ए. एम. मन्द्रास रो दिल्ली के लिये सीधी उड़ान करते हुए पालम से लगभग 2½ भीत पूर्व में वसन्त विहार के निकट दृघटनाप्रस्ता हो गया जिसके परिणामस्वरूप विमान पर सकार 48 व्यक्तियाँ (पांच कार्मिकों सहित) की मृत्यु हुई,

आंतः यतः केन्द्रीय सरकार अनुभव करती है कि उक्त दृघटना की परिस्थितियाँ की आपचारिक जांच करना बाधीनीय है,

अतः अब, वायुयान नियम, 1937 के नियम 75 द्वारा प्रदत्त शरीकतियाँ का प्रयोग करते हुए, केन्द्रीय सरकार एटडब्ल्यूए निवेश करती है कि उक्त दृघटना की आपचारिक जांच की जाए।

केन्द्रीय सरकार उक्त जांच करने के लिए दिल्ली उच्च न्यायालय के न्यायाधीश, श्री राजेन्द्र सच्चर को नियुक्त करती है।

केन्द्रीय सरकार उक्त जांच के लिए असेमरों के रूप में कार्य करने के लिए निम्नलिखित को भी नियुक्त करती है :—

(1) श्री कौष्ठेन ए. डी. रस्ली, भारतीय वायु सेना,

(2) कौष्ठेन डी. बोस, परिचालन प्रबंधक (प्रशिक्षण), एयर इंडिया, बम्बई।

जांच अदालत अपना जांच-कार्य पूरा करके 30 जून, 1973 तक केन्द्रीय सरकार को अपनी रिपोर्ट प्रस्तुत कर देगी।

[फा. सं. ए. वी. 15013/20/73-ए]

सुरेन्द्र नाथ कौल, उप-सचिव

MINISTRY OF TOURISM AND CIVIL AVIATION

New Delhi, the 1st June, 1973

S.O. 1708.—Whereas on the night of 31st May, 1973 an Indian Airlines Boeing 737 aircraft VT-EAM, while operating a direct flight from Madras to Delhi, crashed about 2½ miles east of Palam near Vasant Vihar, resulting in the death of 48 persons (including 5 crew-members) on board;

And whereas it appears to the Central Government that it is expedient to hold formal investigation into the circumstances of the said accident;

Now, therefore, in exercise of the powers conferred by rule 75 of the Aircraft Rules, 1937, the Central Government hereby directs that a formal investigation of the said accident be held.

The Central Government is further pleased to appoint Shri Justice Rajinder Sachar of the Delhi High Court to hold the said investigation.

The Central Government is also pleased to appoint—

- (1) Group Captain A. D. Ralli, Indian Air Force,
- (2) Capt. D. Bose, Operations Manager (Training), Air India, Bombay,

to act as Assessors to the said investigation.

The Court of Inquiry will complete its inquiry and make its report to the Central Government by 30th June, 1973.

[File No Av. 15013/20/73-A.]

S. N. KAUL, Dy. Secy.

हृषि मंत्रालय

हृषि विभाग

नई दिल्ली, 22 मई, 1973

का.प्रा. 1709—गत: अधिनय करने वाले जीव जन्तु नियम, 1969 का प्रारूप जीव जन्तुओं के प्रति कूरता निवारण अधिनियम, 1960 (1960 का 59) की धारा 38 की उपधारा (1) द्वारा अपेक्षित भारत के राजपत्र भाग 2, छंड 3, उपखंड (ii), तारीख 2 अप्रैल, 1969 के पृष्ठ 3239 पर भारत सरकार के भूत्पूर्व खाद्य हृषि, सामुदायिक विकास और सहकारिता मंत्रालय (हृषि विभाग) को अनुसूचना सं. का० आ० 3091, तारीख 25 जुलाई, 1969 के अन्तर्गत उनसे संभाव्य: प्रभावित होने वाले सभी व्यक्तियों से 15 सितम्बर, 1969 तक आक्षेप या सुझाव आमंत्रित करते हुये प्रकाशित किया गया था।

और यस: उक्त राजपत्र जनता को 2-8-1969 को उपलब्ध करा दिया गया था।

और अतः उक्त प्रारूप के बारे में जनता से कोई आक्षेप या सुझाव प्राप्त नहीं हुये थे।

अतः अब जीव जन्तुओं के प्रति कूरता निवारण अधिनियम, 1960 (1960 का 59) की धारा 37 के माध्यम से धारा 38 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये, केन्द्रीय सरकार एवं द्वारा निम्नलिखित नियम बनाती है, प्रार्थतः—

(1) संक्षिप्त नाम और प्रारम्भ:—

- (i) इन नियमों का नाम अधिनय करने वाले जीव जन्तु नियम, 1972 है।
- (ii) ये किसी राज्य में उम्म तारीख को प्रवृत्त होंगे जिसे राज्य सरकार राजपत्र में अधिसूचना द्वारा नियत करें।

(2) परिमाणादः—

इन नियमों में जब तक कि संघर्ष से अव्याधा अपेक्षित न हो,—

(क) "प्रशिनियम" से जीव जन्तुओं के प्रति कूरता निवारण अधिनियम, 1960 अधिप्रत है।

(ब) "अधिनय करने वाला जीव-जन्तु" से गोमा जीव जन्तु अधिप्रत है जिसे किसी मनोरंजन के स्थान पर या प्रयोजन के लिये जहाँ जनता का प्रवेष टिकट द्वारा विक्रय होता है उपयोग में लाया जाये।

(ग) "विहित प्राधिकारी" से राज्य सरकार या ऐसा अन्य प्राधिकारी जैसा राज्य सरकार साधारण या विशेष आवेदन द्वारा इस नियम विनिर्दिष्ट करे अधिप्रत है।

(घ) "अनुसूची" से इन नियमों से संबंध अनुसूची अधिप्रत है।

3. रजिस्ट्रीकरण के लिए आवेदन

(i) अधिनियम के अधीन रजिस्ट्रीकरण के लिये अधिनय करने वा जीवजन्तु के प्रदर्शन या प्रशिक्षण को बांधा रखने वाले व्यक्ति का हर एक आवेदन प्रारूप में होगा और प्रथम अनुसूची में उपवर्तित विशिष्टयां उसमें अन्तविष्ट होंगी।

(ii) ऐसा हर आवेदन ऐसे विहित प्राधिकारी को दिया जायेगा जिसके प्रोत्ताधिकार के अन्तर्गत आवेदक सामान्यतः निवास करता हो और यदि उसके निवास का कोई निश्चित स्थान न हो तो आवेदन ऐसे प्राधिकारी को दिया जायेगा, जैसा कि केन्द्रीय सरकार आवेदन द्वारा इस नियम विनिर्दिष्ट करे।

4. फीस और रजिस्ट्रीकरण:—

रजिस्ट्रीकरण के लिये दिये जाने वाले हर आवेदन के साथ पञ्चीस रुपये की फीस होती जो कि नकद या किसी अन्य प्रकार से संबंध जो जा सकेंगी जैसा कि विहित प्राधिकारी द्वारा विनिर्दिष्ट किया जाये।

5. रजिस्ट्रीकरण के प्रमाण पत्र का प्रारूप:—

(i) विहित प्राधिकारी द्वारा जारी किया जाने वाला रजिस्ट्रीकरण का प्रमाण-पत्र दूसरी अनुसूची में वर्णित प्रारूप में होगा।

(ii) हर रजिस्ट्रीकरण को जिस क्रम में वे किये गये हों उस क्रम से एक क्रम संभाल दी जायेगी और यह क्रम संभाल आवेदन को दिय गये रजिस्ट्रीकरण के प्रमाण-पत्र में लिख दी जायेगी।

6. रजिस्टर:—

हर व्यक्ति जिसे इन नियमों के अधीन रजिस्ट्रीकरण का प्रमाणपत्र दिया गया है अपना नाम ऐसे रजिस्टर में लिखेगा जिसे तृतीय अनुसूची में वर्णित प्रारूप में रखा जायेगा।

7. रजिस्टर का निरक्षण:—

इन नियमों के प्रधीन रखा गया रजिस्टर कार्यालय के समय में किसी भी दिन दो रुपये की फीस चुकाने पर निरीक्षण के लिए उपलब्ध होगा और कोई भी व्यक्ति उसमें से उद्धरण से सकेगा या पांच रुपये की फीस देने पर उसको किसी भी प्रविष्टि की प्रमाणित प्रतिलिपि विद्ये जाने को विहित प्राधिकारी से प्रवेश कर सकेगा।

8. रजिस्टर में प्रविस्तियों का फेरफार के लिए आवेदन पत्र:—

अधिनियम की धारा 23 की उप-धारा (5) के प्रधीन रजिस्टर में प्रविष्टि किन्हीं विशिष्टियों में फेरफार के लिये हर आवेदन, चतुर्थ अनुसूची में वर्णित प्रारूप में होगा और जब किन्हीं विशिष्टियों में फेरफार होगा तो रजिस्ट्रीकरण का विद्यमान प्रमाण-पत्र रद्द कर दिया जायेगा और आवेदन को नया प्रमाण-पत्र दिया जायेगा।

9. प्रमाण पत्रों की दूसरी प्रतियाँ जारी करना :

कोई अधिकारी जिसका नाम इन नियमों के प्रधीन रजिस्ट्रीकृत किया गया है उसके यह सबूत बेने पर कि रजिस्ट्रीकरण का मूल प्रमाण पत्र द्वारा दिया गया है, वा नहीं हो गया है और पान राये की फीम चुकाने पर रजिस्ट्रीकरण के प्रमाणपत्र की दूसरी प्रति उसे वी जायी जिसका इन नियमों में प्रयोग के लिये ऐसा ही प्रभाव होगा जैसा कि मूल रजिस्ट्रीकरण के प्रमाण पत्र का।

10. जीव जन्म कल्याण बोर्ड की भेजे जाने वाले प्रमाण पत्र आवश्यक प्रतियाँ

विहित प्राधिकारी हर रजिस्ट्रीकरण के प्रमाण पत्र या उसकी दूसरी प्रतिलिपि या इन नियमों के प्रधीन जारी किये गये नये प्रमाण पत्र की एक प्रति, अधिनियम के प्रधीन स्थापित जीव जन्म कल्याण बोर्ड द्वारा, उसके जारी किये जाने के पश्चात् यथाशीघ्र भिजावयेगा।

प्रथम अनुच्छेद

आवेदन पत्र का प्रकार

(नियम 3 देखिये)

मैं, अशोहस्त्राकारी, अभिनय करने वाले जीव जन्म नियम, 1969 के प्रधीन एतद्वारा रजिस्ट्रीकरण के लिये आवेदन करता हूँ और एतद्वारा घोषणा करता हूँ कि निम्नलिखित विशिष्टियाँ मेरी सर्वोत्तम जानकारी और विश्वासनुसार सत्य और पूर्ण हैं।

हस्ताक्षर

तारीख

पता जिस पर रजिस्ट्रीकरण का प्रमाणपत्र
भेजना है।

विशिष्टियाँ

1. साफ प्रश्नों में आवेदक का पूरा नाम
2. भारत में प्रयुक्त नाम (यदि कोई हो) लिये
3. राष्ट्रिकता

द्वितीय अनुच्छेद

(नियम 5 देखें)

रजिस्ट्रीकरण का प्रमाण पत्र

प्रमाणित किया जाता है कि उम्मीदवार को जिसके बारे में निम्नलिखित विशिष्टियाँ हैं प्राज्ञ की तारीख में अभिनय करने वाले जीव जन्म नियम, 1969 के प्रधीन रजिस्ट्रीकरण प्राधिकारी के यहाँ निम्न के लिये रजिस्ट्रीकृत कर दिया गया है—

स्थान का नाम:

तारीख:

रजिस्टर में प्रतिष्ठित की जगह रजिस्ट्रीकरण प्राधिकारी के सिपाह के हस्ताक्षर

विशिष्टियाँ

स्तम्भ 1	स्तम्भ 2	स्तम्भ 3	स्तम्भ 4	स्तम्भ 5	स्तम्भ 6	स्तम्भ 7	स्तम्भ 8	स्तम्भ 9
प्रशिक्षक या प्रब- राष्ट्रिकता	या तो (क) भारत कह पता या पते	किसी पूर्व रजिस्ट्री- अभिनय करने वाले अभिनय के साथा-	रजिस्ट्रीकरण जीव जन्म द्वारा के					
राष्ट्र का नाम रंग-	में स्थिर निवास	जहाँ अभि नय करण की विशि-	जीव जन्म द्वारा की रण रूप का विष-					
भंच नाम	स्थान का पता या	करने वाले जीव विशिष्टियाँ	किस्म	रण				
	(ख) भारत में स्थाई आवक पता	जन्म द्वारा को प्रगि-	प्रशिक्षित	प्रदर्शन				
	स्थान का पता	क्षिति किया	किये जाने	करने				
	जिस पर प्रशिक्षक	जासा है।	वाने	वाले				
	या प्रदर्शक को		किस्म	किस्म				
	लिखे गये पत्रों को							
	भेजा जा सके।		संख्या	संख्या				

(9) **Issue of duplicate copies of certificates:**—Any person whose name is registered under these rules may, on proof by him that the original certificate of registration has been lost or destroyed and on payment of a fee of rupees five, be given a duplicate copy of the certificate of registration which for the purposes of these rules shall have the same effect as the original certificate of registration.

(10) **Copies of certificates etc. to be sent to Animal Welfare Board:**—The prescribed authority shall cause a copy of every certificate of registration or duplicate thereof or a new certificate issued under these rules to be sent to the Animal Welfare Board established under the Act, as soon as may be after it is issued.

FIRST SCHEDULE

(See Rule 3)

Form of Application

I, the undersigned, do hereby apply for registration under the Performing Animals Rules, 1973, and do hereby declare the following particulars to be true and complete to the best of my knowledge and belief.

Signature _____

Date _____

Address to which certificate of registration is to be sent

PARTICULARS

1. Full name of applicant in block letters.

2. State name (if any) used in India

3. Nationality

4. Either (a) address of fixed place of residence in India, or (b) permanent postal address in India to which letters addressed to the applicant may be forwarded.

5. Address or addresses (if any) in India, other than temporary addresses while on tour, at which applicant trains or intends to train performing animals. (If none, Write "None")

6. State Whether previously registered under the Performing Animals Rules 1973. If so, state the number and date of certificate of registration.

7. (i) Kinds of performing animals proposed to be.

To be trained	To be exhibited
Kind Number	Kind Number

- (a) trained,
- (b) exhibited,

Stating number of each kind. Kind Number

(ii) Trained animals already available for being exhibited.

8. Describe briefly the general nature* of the performance of performances in which the performing animals are to be exhibited or for which they are to be trained, mentioning any apparatus which is used for the purpose of the performance.

*The description must be sufficient to give a general idea of what is done by the animals taking part in the performance, and should state the approximate duration of the performance the number of times for which it is usually to be given in one and the same day, and the number of animals of each kind taking part in the performance. It need not give details which would divulge any professional secret.

SECOND SCHEDULE

(See rule 5)

Certificate of registration

This is to Certify that the person to whom the undermentioned particulars relate has this day been registered under the Performing Animals Rules 1973, with the registration authority for the

Name of Place:
Date:

Serial Number of Entry in Register
Signature of Clerk of registration authority.

PARTICULARS

Name of trainer Nationality of exhibitor

Either (a) Address of fixed place of residence in India or (b) Permanent postal address in India to which letters addressed to the trainer or exhibitor may be forwarded.

Address or addresses at which the performing animals are to be trained.

State name

(1)	(2)	(3)	(4)	(5)
-----	-----	-----	-----	-----

Kind of Performing animals to be trained	to be exhibited
Kind No.	Kind No.

Description of general nature of performance

Date of Registration

Particulars of any order of Court made under Section 24 of the Prevention of cruelty to animals Act, 1960

(6)	(7)	(8)	(9)	(10)
-----	-----	-----	-----	------

THIRD SCHEDULE

(See rule 6)

Form of register

Sl. No.	Name of trainer for exhibitor	Nationality	Either (a) Address of fixed place or residence in India or (b) Permanent postal address in India to which letters addressed to the trainer or exhibitor may be forwarded.	Address or addresses at which the performing animals are to be trained.	Particulars of any previous registration.
(1)	(2)	(3)	(4)	(5)	(6)
Kind of Performing animals to be trained.	Kind No.	Description of general nature of performance. to be exhibited.	Date of registration.	Particulars of any order of Court made under Section 24 of the preven- tion of Cruelty to animals Act, 1960.	
Kind No.	Kind No.				

FOURTH SCHEDULE

Form of applications for variation of particulars entered in register.

Application to have the particulars entered in the register with respect to the applicant varied.

To

The Prescribed authority.

Full name of applicant
(in block letters)
Number and date of certificate of registration

I return herewith my certificate of registration under the Performing Animals Rules, 1973, and I hereby apply to have the particulars entered in the Register with respect to me varied, as follows, and for the reasons given below:

I also request that my existing certificate may be cancelled and a new certificate of registration may be issued to me.

Date: _____

Signature _____

Address _____

NOTE : No fee is payable for the issue of a new certificate of registration.

[N0.35-4/72-LD-I]

V.P. GULATI,
Dpty. Secretary.भ्रम और पुनर्वास मंशालय
(भ्रम और सौजन्यार्थी विभाग)

आवेदा

नई दिल्ली, 24 मार्च, 1973

का. आ. 1710.—यतः केन्द्रीय सरकार की यत है कि इससे उपर्युक्त अनुसूची में विनियोगित विवरों के बारे में नेशनल कॉल इंजिनियरिंग कारपोरेशन लिमिटेड डाकघर बैरमा, जिला हजारीबाग के परिवहन ठेकेदार मैसर्स जय ट्रांसपोर्ट कम्पनी के प्रबंधतंत्र रास सम्बद्ध नियंत्रजकों और उनके कर्मकारों के बीच एक आँखोंगिक विवाद कियुमान है;

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायान्वयन के लिए नियोजित करना बांधनीय समझी है;

अतः, अब, आँखोंगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) ह्यास प्रदत्त कानूनों का प्रयोग करते हुए, केन्द्रीय सरकार, उक्त विवाद को उक्त अधिनियम की धारा 7 के अधीन गठित केन्द्रीय सरकार आँखोंगिक अधिकारण, (संख्या 2) धनवाद को न्यायान्वयन के लिए नियोजित करती है।

अनुसूची

“क्या नेशनल कॉल इंजिनियरिंग कारपोरेशन लिमिटेड, डाकघर बैरमा, जिला हजारीबाग के स्थापनों में परिवहन ठेकेदारों के रूप में कार्य करने वाली मैसर्स जय ट्रांसपोर्ट कम्पनी के प्रबंधतंत्र की, निम्नलिखित कर्मकारों को 30 सितम्बर, 1972 और आगे से कम न बढ़ने की कार्रवाई न्यायान्वयन है? यदि नहीं, तो ये कर्मकार किस अनुसूची के हक्कावाल हैं?”

नाम	पदनाम
1. श्री धीरज	चालक
2. श्री सर्वजीत	चालक
3. श्री मोला	चालक
4. श्री सुदाम	चालक
5. श्री चिन्ते	चालक
6. श्री पुनित	चालक
7. श्री दुर्गा	चालक
8. श्री अर्णवीन	चालक
9. श्री रामधारी	चालक
10. श्री राम	चालक
11. श्री सपेष्वर	चालक
12. श्री रघुनाथ	चालक
13. श्री मोहन खान	चालक
14. श्री रामानन्द सिंह	चालक
15. श्री सुलक्षण	चालक
16. श्री भुवनेश्वर सिंह	चालक
17. श्री चोटु सिंह	चालक
18. श्री हीरामन सिंह	चालक

नाम	प्रवासी	Names	Designation
19. श्री बुधन	चालक	1. Shri Dheraj	Driver
20. श्री विगाली शर्मा	चालक	2. Shri Sarsul	Driver
21. श्री दृष्टन	चालक	3. Shri Bhola	Driver
22. श्री बद्री	चालक	4. Shri Sudan	Driver
23. श्री तोता	चालक	5. Shri Chine	Driver
24. श्री भोला	चालक	6. Shri Punt	Driver
25. श्री काल	चालक	7. Shri Durga	Driver
26. श्री जानकी	चालक	8. Shri Ashin	Driver
27. श्री सिकारी सिंह	चालक	9. Shri Ramdhari	Driver
28. श्री ग्रमीन	खलासी	10. Shri Ramu	Driver
29. श्री बाबूसाल	खलासी	11. Shri Tapeshwar	Driver
30. श्री जगदीश	खलासी	12. Shri Raghunath	Driver
31. श्री कर्मन	खलासी	13. Shri Md. Khan	Driver
32. श्री कार	खलासी	14. Shri Ramanad Singh	Driver
33. श्री विक्ष	खलासी	15. Shri Suker	Driver
34. श्री बुधन	खलासी	16. Shri Bhubaneshwar Singh	Driver
35. श्री वीनू	खलासी	17. Shri Chotu Singh	Driver
36. श्री महमूद	खलासी	18. Shri Hiraman Singh	Driver
37. श्री रमेश	खलासी	19. Shri Bhudan	Driver
38. श्री बंगली	खलासी	20. Shri Bangali Sharma	Driver
39. श्री काशी	खलासी	21. Shri Tun Tun	Driver
40. श्री हनू	खलासी	22. Shri Badri	Driver
41. श्री भोला	खलासी	23. Shri Tota	Driver
42. श्री शक्ति पादो	खलासी	24. Shri Bhola	Driver
43. श्री बिधन	खलासी	25. Shri Karu	Driver
44. श्री नागेश्वर	खलासी	26. Shri Janki	Driver
45. श्री मूरजदेव	खलासी	27. Shri Sikari Singh	Driver
46. श्री नाना	खलासी	28. Shri Amia	Khalasi
47. श्री गोबर्धन	खलासी	29. Shri Babulal	Khalasi

[संख्या एल. 20012/158/72-एल.शार.०-२]

MINISTRY OF LABOUR AND REHABILITATION

(Department of Labour and Employment)

ORDER

New Delhi, the 24th March, 1973

S.O. 1710.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to Messrs Jay Transport Company, Transport Contractor of National Coal Development Corporation Limited, Post Office Bermo, District Hazaribagh and their workmen in respect of the matters specified in the schedule hereto annexed;

AND WHEREAS the Central Government considers it desirable to refer the said dispute for adjudication;

NOW, THEREFORE, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal (No. 2) Dhanbad constituted under section 7 of the said Act.

SCHEDULE

"Whether the action of management of Messrs Jay Transport Company engaged as Transport Contractors in the establishments of National Coal Development Corporation Limited, Post Office Bermo, District Hazaribagh, in refusing work to the following workmen from the 30th September, 1972 onwards is justified? If not, to what relief are these workmen entitled?"

[No. L-20012/158/72-LRIJ]

आष्टश

नई इल्ली, 29 मार्च, 1973

का. आ. 1711.—यह केन्द्रीय सरकार की राय है कि इससे उपायकार्य अनुसूची में विनिर्दिष्ट विषयों के आरे में नैशनल अंगरपाथरा कालियरी, डाकघर कतरासगढ़, जिला धनबाद के प्रबन्ध संबंध से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक आँदोर्घांगिक विवाद विद्यमान है,

और यह केन्द्रीय सरकार उक्त विवाद को न्यायीनिर्णयन के लिए निर्देशित करना वांछनीय समझती है,

अतः, अब, औद्योगिक विधाद अधीनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) इवारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त विधाद को उक्त अधीनियम की धारा 7-क के अधीन गठित केन्द्रीय सरकार औद्योगिक अधिकरण (संलग्न-2) धनवाद को न्यायनिर्णयन के लिए निवैशित करती है।

अनुसूची

“क्या नैशनल अंगरपथरा कौलियरी, डाकघर कलरासगढ़ जिला धनवाद के प्रबन्धतंत्र की श्रीमती माल्टी कार्मिन को 9 अगस्त, 1972 से काम से रोकने की कार्रवाई न्यायोचित है? यदि नहीं, तो सम्बन्धित कर्मकार किस अनुत्थान की हकदार है?”

[सं. एल.-2012(164)/72-एल. आर.-2]

ORDER

New Delhi, the 29th March, 1973

S.O. 1711.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of National Angarpathera Colliery Post Office Katrasgarh, District Dhanbad, and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal (No. 2) Dhanbad constituted under section 7A of the said Act.

SCHEDULE

“Whether the action of management of National Angarpathera Colliery, Post Office Katrasgarh, District Dhanbad, in stopping Shrimati Malti Kamin with effect from the 9th August, 1972 from work is justified? If not, to what relief is the concerned workman entitled?”

[No. L. 2012(164)/72-LRJI.]

आधार

नई दिल्ली, 9 अप्रैल, 1973

का. आ. 1712.—यतः केन्द्रीय सरकार की गद्य है कि इससे उपाध्यक्ष अनुसूची में विविर्णीकृत विधादों के बारे में सिंगरेनी कौलियरीज कम्पनी लि., रामगुण्डम मंडल, डाकघर गाँदीयारी खानी (आन्ध्र प्रदेश) के प्रबन्धतंत्र से सम्बन्धित नियायोक्ताओं और उनके कर्मकारों के बीच एक औद्योगिक विधाद विच्छन्मान है,

आरे यस: केन्द्रीय सरकार उक्त विधाद को न्यायनिर्णयन के लिए निवैशित करना वांछनीय समर्थनी है;

अतः, अब औद्योगिक विधाद अधीनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उपधारा (1) के खण्ड (घ) इवारा प्रकृत शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एक औद्योगिक अधिकरण गठित करती है जिसके पीठासीन अधिकारी श्री टी. नरसिंगाराव होंगे, जिनका मुख्यालय अफजल लौज, निलक रोड, रामकोट, हैदराबाद-1 होगा और उक्त विधाद को उक्त औद्योगिक अधिकरण को न्यायनिर्णयन के लिए निवैशित करती है।

अनुसूची

1. क्या सिंगरेनी कौलियरीज कम्पनी लि. रामगुण्डम मंडल के टरशाइन द्वाहवरां की, इंजिनों की सफाई का काम करने के लिए अलग इंजिन कलीनरां की नियुक्ति की मांग न्यायोचित है और यदि हां, तो कर्मकार किस अनुत्थान के और किस तारीख से हकदार है?
2. क्या सर्वश्री नारायण रेड्डी, राममोहन राव, जे. मनोहर राव, जे. विट्टल राव, के सत्यनारायण, ही मल्लेश, शेख हुसैन और ए. सत्यनारायण मूर्ति, 18 एम. छल्यू. पावर हाउस, रामगुण्डम मंडल, सिंगरेनी कौलियरीज कम्पनी लि. मैं वाटर ट्रीटमेंट स्टेंडिंग्स और वाटर सॉफ्टनर स्टेंडिंग्स की, 19 नवम्बर, 1968 अधेवा उस तारीख से, जिसको वे परीक्षिका पर रखे गये, कौथला मजदूरी बोर्ड की सिफारिशों के बर्ग-3 में रखे जाने की मांग न्यायोचित है? यदि हां, तो उक्त कर्मकार किस अनुत्थान के और किस तारीख से हकदार है?
3. क्या यूनियन की, सिंगरेनी कौलियरीज कम्पनी लि. के सभी बदली कर्मकारों का सवेतन राष्ट्रीय और त्योहारी छुट्टियां मजूर करने की मांग न्यायोचित है? यदि हां, तो उक्त कर्मकार किस अनुत्थान के हकदार है?
4. क्या सिंगरेनी कौलियरीज कंपनी लि., रामगुण्डम मंडल (आन्ध्र प्रदेश) के बदली कौल फिल्लरों की, उनके प्रोसेसोहन दोनम स्कीम के अन्तर्गत लाने की मांग न्यायोचित है? यदि हां, तो उक्त बदली फिल्लर किस अनुत्थान के और किस तारीख से हकदार है?
5. क्या श्री बी. मनुमन्था राव, अध्यक्ष, सिंगरेनी कौलियरीज कम्पनी लिमिटेड, की इन्कलाइन संख्या 3, गोदावरीखानी की, उनके द्वारा नियोजित कार्यों की प्रकृति का विचार करते हुए मजदूरी बोर्ड के 180-5-210-7-273 रु. के वेतनमान की मांग न्यायोचित है? यदि हां, तो कर्मकार किस अनुत्थान के और किस तारीख से हकदार है?

[सं. एल.-21011/1/72-एल. आर.-2]

ORDER

New Delhi, the 9th April, 1973

S.O. 1712.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Singareni Collieries Company Limited, Ramagundam Division, Post Office Godavarikhani (Andhra Pradesh), and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal with Shri T. Narasinga Rao, as Presiding Officer with headquarters at Afzal Lodge, Tilak Road, Ramkote, Hyderabad-1, and refers the said dispute for adjudication to the said Industrial Tribunal.

SCHEDULE

1. Whether the demand of the Turbine Drivers of Sinfareni Collieries Company Limited, Ramagundam Division for appointment of separate Engine Cleaners for doing the job of cleaning engines, is justified and if so to what relief the workmen are entitled to and from what date?

2. Whether the demand of Sarvashri Narayan Reddy, Rammohan Rao, J. Monohar Rao, J. Vittal Rao K. Satyanarayana, D. Mallesh, Shaik Hussain and A. Satyanarayana Murty, Water Treatment Attendants and Water Softner Attendants in 18 M.W. Power House, Ramagundam Division, Singareni Collieries Company Limited, for placing them in Category-III of Coal Wage Board Recommendations with effect from the 19th November, 1968 or the date on which they were placed on probation, is justified? If so to what relief the said workmen are entitled to and from what date?
3. Whether the demand of the union for grant of paid National and Festival Holidays to all Badli workmen of Singareni Collieries Company Limited is justified? If so, to what relief are the said workmen entitled?
4. Whether the demand of badli Coal fillers of Singareni Collieries Company Limited, Ramagundam Division (Andhra Pradesh) for covering them under the Incentive Bonus Scheme is justified? If so, to what relief are the said Badli fillers entitled to and from what date?
5. Whether the demand of Shri B. Hanumantha Rao, Chairman, Godavarikhani No. 3 Incline of Singareni Collieries Company Limited for the Wage Board Scale of Rs. 180—5—210—7—273, considering the nature of duties performed by him, is justified? If so, to what relief is the workman entitled to and from what date?

[No. L/21011/1/72-LRII.]

आवेदन

नई दिल्ली, 26 अप्रैल, 1973

का. आ. 1713.—यतः केन्द्रीय सरकार की राय है कि इससे उपाध्यक्ष अनुसूची में विनिर्दिष्ट विषयों के बारे में नेशनल कॉल ड्वेलपमेंट कारपोरेशन की दृमन हिल कौलियरी डाकघर सोनावनी, जिला सरगुजा (मध्य प्रदेश) के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक ऑँड्यॉगिक विवाद विव्याहन है,

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निवैशित करना चांचनीय समझती है;

अतः, अब ऑँड्यॉगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) इवारा प्रदल्ल शारितयों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त विवाद के अधिनियम की धारा 7-क के अधीन गठित ऑँड्यॉगिक अधिकरण जबलपुर को न्यायनिर्णयन के लिए निवैशित करती है।

अनुसूची

“क्या मौसम नेशनल कॉल ड्वेलपमेंट कारपोरेशन लिमिटेड की दृमन हिल कौलियरी, डाकघर सोनावनी, जिला सरगुजा (मध्य प्रदेश) के प्रबन्धतंत्र का श्री बैंजनाथ पूर्व श्री रोधा, प्रवर्ग-1 मजदूर, की सेवाओं को 13 अप्रैल, 1970 से समाप्त करना न्यायानीचत था? यदि नहीं, तो कर्मकार किस अनुसार का हकदार है?”

[संख्या एल/22012/25/72-एल. आर.-2]

ORDER

New Delhi, the 26th April, 1973

S.O. 1713.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Duman Hill Colliery of National Coal Development Corporation Limited, Post Office Sonawani, District Surguja (Madhya Pradesh), and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Jabalpur, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of Duman Hill Colliery of Messrs National Coal Development Corporation Limited, Post Office Sonawani, District Surguja (Madhya Pradesh), was justified in terminating the services of Shri Baijnath son of Shri Rodha, Category-1 Mazdoor with effect from the 13th April, 1970? If not, to what relief the workman is entitled?

[No. I./22012/25/72-I RII.]

आवेदन

नई दिल्ली, 27 अप्रैल, 1973

का. आ. 1714.—यतः केन्द्रीय सरकार की राय है कि इससे उपाध्यक्ष अनुसूची में विनिर्दिष्ट विषयों के बारे में सन्दर्भ बैंक ऑफ इंडिया से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक ऑँड्यॉगिक विवाद विव्याहन है,

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निवैशित करना चांचनीय समझती है,

अतः, अब, ऑँड्यॉगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) इवारा प्रदल्ल शारितयों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त विवाद के अधिनियम की धारा 7-क के अधीन गठित ऑँड्यॉगिक अधिकरण, दिल्ली के न्यायनिर्णयन के लिए निवैशित करती है।

अनुसूची

“क्या सन्दर्भ बैंक ऑफ इंडिया के प्रबन्धतंत्र की, श्री एस. कै. जैरी, सिपिक, सिविल लाइन्स बांच, अमृतसर को 24 नवम्बर, 1969, के आरे से विशेष सहायत के रूप में काम करने का अवसर न देने की कार्रवाई न्यायानीचत है? यदि नहीं, तो वह किस अनुसार का हकदार है?”

[सं. एल. 12012/173/72-एल. आर.-3]

ORDER

New Delhi, the 27th April, 1973

S.O. 1714.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Central Bank of India and their workmen in

respect of the matter specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Delhi constituted under section 7A of the said Act.

SCHEDULE

"Whether the action of the management of Central Bank of India in denying the chance to work as Special Assistant to Shri S. K. Berry, Clerk, Civil Lines Branch, Amritsar on and from the 24th November, 1969 is justified? If not, to what relief is he entitled?"

[No. L. 12012/173/72-LRIII.]

आवेदन

का. आ. 1715.—यतः केन्द्रीय सरकार की यथा है कि इससे उपराज्य अनुसूची में विनिर्दिष्ट विषयों के बारे में केंद्रला कौलियरी, डाकघर केंद्रला, जिला हजारीबाग में मैसर्स प्रभुदयाल अग्रवाल, प्रबन्ध ठेकेवारों की क्वारी संख्या ३ए और २डी से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक आंश्योगिक विवाद विस्थापन है;

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायानिर्णय के लिए नियोजित करना चांछनीय समझती है,

अतः अब, आंश्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के तृप्ति (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त विवाद को उक्त अधिनियम की धारा 7-क के अधीन गठित आंश्योगिक अधिकरण, (संख्या 2) धनवाप को न्यायानिर्णय के लिए नियोजित करती है।

अनुसूची

क्या केंद्रला कौलियरी, डाकार केंद्रला, जिला हजारीबाग में मैसर्स प्रभुदयाल अग्रवाल प्रबन्ध ठेकेवारों की क्वारी संख्या ३ए और २डी में नियोजित कर्मकारों को बिना किसी मजदूरी अथवा प्रतिकर की अदायगी के 23 अगस्त, 1971 और आगे से कर्म करना रोक देना न्यायानिच्छत है? यदि नहीं, तो कर्मकार किस अनुसूच के और किस अवधि के लिए हक्कार है?

[संख्या एस./20012/20/72-एस. आर.-2]

ORDER

S.O. 1715.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to Quarries Nos. 3A and 2D by Messrs. Prabhu Dayal Aggarwalla, Managing Contractors at Kedla Colliery, Post Office Kedla, District Hazaribagh and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, (No. 2), Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the stoppage from work without payment of any wages or compensation to the workmen employed in quarries nos. 3A and 2D by Messrs. Prabhu Dayal Aggarwalla, Managing Contractors at Kedla Colliery, Post Office Kedla, District Hazaribagh from the 23rd August, 1971 onwards is justified? If not, to what relief are the workmen concerned entitled and for what period?

[No. L/20012/20/72-LII]

आवेदन

नई विली, 5 मई, 1973

का.आ. 1716.—यतः इससे उपराज्य अनुसूची में विनिर्दिष्ट आंश्योगिक विवाद श्री नारायण राय कुदूर, पीठासीन अधिकारी, आंश्योगिक अधिकरण, बंगलौर के समझ लम्भित है;

और यतः श्री नारायण राय कुदूर की सेवाएं प्रब उपराज्य नहीं रही।

प्रतः अब, आंश्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 33ब की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, एक आंश्योगिक अधिकरण गठित करती है जिसके पीठासीन अधिकारी श्री बी.० एन.० जयदेवप्पा होंगे; जिनका मुख्यालय बंगलौर होगा, और श्री नारायणराम कुदूर से उक्त विवाद से सम्बन्ध कार्यवाहियों को वापस लेती है और उसे उक्त विवाद के लिए उक्त आंश्योगिक अधिकरण, बंगलौर को इस निदेश के साथ प्रत्यारित करती है कि उक्त अधिकरण कार्यवाहियों में आगे उसी प्रक्रम से कार्यवाही करेगा जिस पर वे उसे प्रत्यारित की गई है और विधि के अनुसार उसका निपटान करेगा।

प्रान्तसूची	निवेश सं. ग्राहक तारीख
क्रम सं. विवाद के पक्षकार	
1. कर्नारा बैंकिंग कार्पोरेशन मण्डलोर के कर्मकार और प्रबन्धनतन्त्र	(निवेश सं. 5/69 (केन्द्रीय) सं. 23/87/69/एल. आर. 3, तारीख 17 दिसम्बर, 1969)
2. प्रीमियर इंश्योरेंस कार्पोरेशन लिमिटेड के कर्मकार और प्रबन्धनतन्त्र	(निवेश सं. 3/70-(केन्द्रीय) सं. 40/15/70-एल. आर. 1, तारीख 15 मई, 1970)
3. मैसूर आयरन एंड स्टील लिमिटेड, भद्रावती के कर्मकार और प्रबन्धनतन्त्र	(निवेश सं. 6/71-(केन्द्रीय) सं. एल. 29011/14/71-एल. आर. 4 तारीख 22/24 जून, 1971)
4. विजय बैंक लिमिटेड के कर्मकार और प्रबन्धनतन्त्र	सं. एल. 12012/19/73-एल. आर. 3 [सं. एल. 12025/15/73-एल. आर. 3]

ORDFR

New Delhi, the 5th May, 1973

S.O. 1716.—Whereas the industrial disputes specified in the Schedule hereto annexed is pending before Shri Naryan Rai Kudoor, Presiding Officer, Industrial Tribunal, Bangalore;

And whereas the services of Shri Naryan Rai Kudoor have ceased to be available;

Now, Therefore, in exercise of the powers conferred by section 7-A and sub-section (1) of section 33B of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal with Shri B.N. Jayadevappa as the Presiding Officer, with headquarters at Bangalore, withdraws the proceedings in relation to the said disputes from Shri Naryan Rai Kudoor and transfer the same to the said Industrial Tribunal, Bangalore, for the disposal of the said proceedings with the direction that the said Tribunal shall proceed with the proceedings from the stage at which they are transferred to it and dispose of the same according to law.

SCHEDULE

Sl. No.	Parties to the dispute	Reference No. and date
1.	Workmen and the management of Canara Banking Corporation, Mangalore.	Ref. No. 5/69 (Central) No. 23/87/69/LRIII dated the 17th December, 1969.
2.	Workmen and the Management of Premier Insurance Co., Ltd.	Ref. No. 3/70-(Central) No. 40/15/70/LRII dated the 15th May, 1970.
3.	Workmen and the Management of Mysore Iron & Steel Ltd., Bhadravathi.	Ref. No. 6/71 (Central) No. L. 29011/14/71-LRIV dated 22/24th June, 1971.
4.	Workmen and the management of Vijaya Bank Ltd.	No. L 12012/19/73/LRIII dated the 21st March, 1973. [No. L.12025/15/73/LRII]

आवेदन

नई दिल्ली, 7 मई, 1973

क्र. आ. 1717.—यस: केन्द्रीय सरकार की राय है कि इससे उपावधि अनुसूची में विनियोजित विषयों के बारे में पंजाब नैशनल बैंक से सम्बन्धित नियोजकों और उनके कर्मकारों के बीच एक आँद्र्योर्गिक विवाद विद्यमान है;

31 GI/73—9

और यस: केन्द्रीय सरकार उक्त विवाद को न्यायीनिर्णयन के लिए निवृत्तिशास करना चांगीय समझती है;

अतः, अब, आँद्र्योर्गिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7क और धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एक आँद्र्योर्गिक अधिकरण गठित करती है, जिसके पीठासीन अधिकारी श्री एस. एच. जे. नकरी होंगे, जिनका मुख्यालय कानपुर होगा उक्त विवाद को उक्त अधिकरण को न्यायीनिर्णयन के लिए निवृत्तिशास करती है।

अनुसूची

“क्या पंजाब नैशनल बैंक के प्रबन्धतंत्र की, सर्वश्री लक्ष्मी चन्द्र मिश्र और अवध नारायण अवस्थी को, जो बैंक के नयागंज, कानपुर वाली शाखा के अधीनस्थ कर्मचारीवन्धु के सदस्य हैं, लिपिकीय काडर में स्थानापन्न अवसर घोने से हंकार करने की कार्रवाई न्यायादिवत है? यदि नहीं, तो कर्मकार किस अनुताप के हकदार हैं?” ।

[सं. एल. 12012/13/73-एल. आर. 3]

ORDER

New Delhi, the 7th May, 1973

S.O. 1717.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Punjab National Bank and their workmen in respect of the matter specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7-A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri S. H. J. Naqvi shall be the Presiding Officer, with headquarters at Kanpur and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

“Whether the action of the management of Punjab National Bank in denying officiating chances on clerical cadre to Sarvashri Laxmi Chand Misra and Awadh Narain Awasthi, members of subordinate staff of Nayaganj, Kanpur Branch of the Bank is justified? If not, to what relief are the workmen entitled?”

[No. L. 12012/13/73/LRIII.]

आवेदन

नई दिल्ली, 14 मई, 1973

क्र. आ. 1718.—यस: केन्द्रीय सरकार की राय है कि इससे उपावधि अनुसूची में विनियोजित विषयों के बारे में पंजाब नैशनल बैंक से सम्बन्धित नियोजकों और उनके कर्मकारों के बीच एक आँद्र्योर्गिक विवाद विद्यमान है,

और यस: केन्द्रीय सरकार उक्त विवाद को न्यायीनिर्णयन के लिए निवृत्तिशास करना चांगीय समझती है,

अतः, अब, आँद्र्योर्गिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7क और धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार

एक आईयोगिक अधिकारण गठित करती है, जिसके पीठासीन अधिकारी थिल जी. गोपीनाथ होंगे, जिनका मुख्यालय मद्रास होगा और उक्त विधाद को उक्त अधिकारण को न्यायनिर्णयन के लिये नियमित करती है।

अनुसूची

“क्या बैंक की कोट्टायम शाखा के श्री पी. पी. टामस, अस्थायी चपरासी, की सेवाओं को तारीख 14 अगस्त, 1972 से समाप्त करने संबंधी प्रबन्धतंत्र की कार्रवाइ न्यायानिर्णय है? यदि नहीं, तो वह किस अनुतोष का इकावार है?”

[र. एल. 12012/42/73-एल. आर. 3]

ORDER

New Delhi, 14th May, 1973

S.O. 1718.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the South Indian Bank Limited and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A, and clause (d) of sub-section (1) of section 10, of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Thiru G. Gopinath shall be the Presiding Officer, with headquarters at Madras and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

“Whether the action of the management in terminating the services of shri P. P. Thomas, temporary peon at Kottayam branch of the Bank with effect from the 14th August, 1972 is justified? If not, to what relief is he entitled?”

[No. L. 12012/42/73/LRIII]

New Delhi, the 5th June, 1973

S.O. 1719.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal Calcutta, in the industrial dispute between the employers in relation to the management of Jaipuria Kajora Colliery of Messrs Swadishi Mining and Manufacturing Company Limited, Post Office Andal, District Burdwan and their workmen, which was received by the Central Government on the 29th May, 1973.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL

AT CALCUTTA

Reference No. 57 of 1972

Parties:

Employers in relation to the management of Jaipuria, Kajora Collieries of Messrs Swadishi Mining and Manufacturing Company Ltd.,

AND

Their Workmen.

Present:

Sri S. N. Bagchi—Presiding Officer.

Appearances:

On behalf of Employers—Shri M. P. Saraf, Administrative Assistant.

On behalf of Workmen—Shri B. S. Azad, Secretary, Khan Shramik Congress.

State: West Bengal

Industry: Coal Mine.

AWARD

By Order No. L/19012/37/72-LRII, dated the 27th September, 1972, the Government of India, in the Ministry of Labour and Rehabilitation (Department of Labour and Employment), referred the following industrial dispute existing between the employers in relation to the management of Jaipuria Kajora Collieries of Messrs Swadishi Mining and Manufacturing Company Limited and their workmen, to this Tribunal, for adjudication, namely:

“Whether the management of Jaipuria Kajora Colliery of Messrs Swadeshi Mining and Manufacturing Company Limited Post Office Andal, District Burdwan, are justified in refusing employment to Shri Makar Dome, Shale Picker with effect from the 27th January, 1972? If not, to what relief is the workman entitled?”

2. The management is now represented by the Custodian of Jaipuria Kajora Moira Group of Collieries and the workmen by the General Secretary of Khan Shramik Congress, and both have arrived at a compromise relating to the dispute referred to for adjudication by this tribunal. The terms of the compromise are fair, equitable and beneficial to the interest of both the parties. Therefore, I record the terms of compromise as prayed for by both the parties and render an award in terms of the petition of compromise which shall form part of the award.

Dated, May 21, 1973.

S. N. BAGCHI, Presiding Officer

BEFORE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL, CALCUTTA
Reference No. 57 of 1972

Name of Parties:

Representing Employers Shri J. Tobias, Custodian, Jaipuria Kajora Colliery (Moira Group) P. O. Andal, Dist. Burdwan.

Representing workmen:

Shri Banarsisingh Azad, General Secretary, Khan Shramik Congress, P. O. Ukhra, Dist. Burdwan.

POINT PETITION OF COMPROMISE

1. That Shri Makar Dome will be reinstated as shale Picker with effect from 21-5-1973 at Jaipuria Kajora Colliery.

2. That there will be no claim for any back wages for the period of his un-employment. That his absence from 27th January, 1972 will be treated as authorised absence.

3. That this agreement resolves the present dispute fully and finally.

4. That the management will pay a sum of Rs. 100/- as the cost of the proceedings to the General Secretary, Khan Shramik Congress, Ukhra.

5. That both the parties therefore pray that the Hon'ble presiding Officer will be pleased to give an award in terms aforesaid.

Representing the employers
Custodian, Jaipuria Kajora
Colliery, Moira Group.

Witness:

1. Sd/- Illegible.

2. Sd/- Illegible.

Representing the workman
General Secretary, Khan
Shramik Congress, Ukhra.

Sd/- Illegible.

Moira Colliery,
Dated, 19th May, 1973.

[No. L-19012/37/72-LR II.]

S.O. 1720.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the matter of an application under Section 33A of the said Act, from Shri Tarjen Christian, Fitter, Regd. No. 6733, Baragolai Colliery, Post Office Baragolai, District Dibrugarh, Assam, which was received by the Central Government on the 29th May, 1973.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
AT CALCUTTA

Miscellaneous Application No. 9 of 1972

(Arising out of Reference No. 154 of 1966)

Parties:

Sri Tarjen Christian, Fitter, Regd. No. 6733, Baragolai Colliery, P. O. Baragolai, Dist. Dibrugarh, Assam
Applicant

vs.

Management of Messrs Assam Railway and Trading Co. Ltd., P. O. Margherita, Dist. Dibrugarh, Assam
Opp. party

Present:

Sri S. N. Bagchi—Presiding Officer.

Appearances:

On behalf of Applicant—Absent.

On behalf of Opp. party—Sri J. K. Ghosh, Advocate,
with Sri S. P. Sen Gupta Advocate.

State: Assam

Industry: Coal Mine.

AWARD

This is an application under Section 33A of the Industrial Disputes Act, 1947, filed by one Sri Tarjen Christian, Fitter, Regd. No. 6733 of Baragolai colliery against the management of Assam Railway and Trading Co. Ltd., and it has arisen out of Reference No. 154 of 1966 which is pending adjudication before this tribunal.

2. On the date fixed for hearing of this application at the Camp Gauhati of which notice was duly served on the applicant the applicant did not turn up before the tribunal. The Opposite party appeared and filed its rejoinder in due time and was present on the date of hearing of the application at Camp Gauhati. Unless the applicant workman preferring an application under Section 33A of the Industrial Disputes Act complaining against the management contravention of the provisions of Section 33 of the Industrial Disputes Act during the pendency of a proceeding under Section 10 of the Act before a tribunal, presents himself before the tribunal to support such application and to prove the allegations against the management relating to specific contravention of the provisions of Section 33 of the Act, it shall be presumed that the applicant's complaint against the management for alleged contravention of any provision of Section 33 of the Act has no basis.

3. So, this tribunal holds that there is no dispute in regard to the alleged contravention of any provision of Section 33 of the Industrial Disputes Act by the management as complained of by the workman applicant.

In the result, I render a 'no dispute' award and reject the application under Section 33A of the Industrial Disputes Act.

This is my award.

Dated, 21st May, 1973.

Sd/-

S. N. BAGCHI, Presiding Officer
[No. L-19025/16/73-LR II.]

New Delhi, the 6th June, 1973

S.O. 1721.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Chandigarh in respect of a complaint under Section 33A of the said Act filed by Shri Ranjit Singh which was received by the Central Government on 28-5-1973.

BEFORE SHRI P. P. R. SAWHNEY, B.A. (Hons.) CANTAB
BAR-AT-LAW, PRESIDING OFFICER, INDUSTRIAL
TRIBUNAL (CENTRAL), CHANDIGARH

Complaint No. 2/30 of 1972

under section 33-A of the Industrial Disputes Act, 1947
Shri Ranjit Singh, T. No. 363-B, Carpenter, C/o. B.S.L.
workers Union, Sundernagar. Complainant.

Vs.

Executive Engineer, Harabagh Tunnelling Division,
B.S.L. Project, Sundernagar (H.P.) Respondent.

Appearances:

Shri Mohinder Singh Toggar—for the complainant.

Shri Rattan Lal—for the respondent.

AWARD

Shri Ranjit Singh, who was employed as a carpenter with the respondent Executive Engineer, has filed this complaint under section 33-A of the Industrial Disputes Act, 1947, and has inter alia stated therein that he had proceeded on sanctioned leave from 12-8-1971, and as his wife fell seriously ill, he had sent a telegram for extension of leave and he again sent another telegram for extension of leave on 8-9-1971 as his wife did not recover, and that when he returned and reported for duty on 13-9-1971, he was not allowed to join duty, even though he had submitted a medical certificate and a certificate from Sarpanch of panchayat in support of reasons given by him for getting his extended, and that even though reference No. 2/C of 1971, in which he was a concerned workman, was pending at the time when the respondent Executive Engineer declined to reinstate him with full back wages and did not allow him to resume duty, despite his filing an appeal before the Superintending Engineer, B.S.L. Administration and Accounts Circle, Sundernagar, and in that way there has been contravention of the provisions of section 33A of the Industrial Disputes Act, 1947.

2. In the reply put in by the respondent Executive Engineer, he has taken a preliminary objection that this complaint was not maintainable as it was by way of a claim for payment of wages, and it did not lie before this Tribunal, that service conditions of the complainant had not been altered to his prejudice and that neither he had been discharged nor dismissed from service.

On merits it has been admitted that the complainant proceeded on leave with effect from 12-8-1971 to 18-8-1971, but it has been denied that he had asked for extension of leave or took any steps to inform the respondent Executive Engineer. It has also been stated that he could not give any satisfactory reason for remaining absent from duty for more than 10 days without seeking permission from the competent authority,

that on an appeal having been filed by him, the Superintending Engineer, Administration and Accounts Circle, Sundernagar, on compassionate ground and due to scarcity of technical hands, had allowed the complainant to join duty, but ordered the period of his absence from duty be treated as leave of the kind that was due to him, and that as per certified standing orders, he had not been removed from service but he was deemed to have voluntarily resigned and in view of clause(s) of the certified standing orders his name having been removed from rolls for long absence from duty, without permission.

3. No written rejoinder was filed by the complainant, but he verbally reiterated the position taken by him in the complaint, and refuted the stand taken by the respondent Executive Engineer in his reply to the complaint.

4. On the pleadings of the parties, the following issues were framed:—

Preliminary issues:

- (1) Whether the instant complaint is not maintainable for the reason as stated by the respondent that the complaint being a claim for payment of wages for a certain period, does not lie before this Tribunal and that the proper forum is the Payment of Wages Authority?
- (2) Whether the complaint is bad in law inasmuch as according to the respondent there has neither been any alteration or a change in the terms and conditions of service to the prejudice of the complainant during the pendency of industrial dispute which had been referred to this Tribunal for adjudication, as he was neither discharged from service nor dismissed, and the provisions of section 33-A are not attracted?

On merits:

Whether there has been any contravention of the provisions of section 33-A of the Industrial Disputes Act, 1947 as claimed by the complainant and his name had been removed from service without obtaining prior approval from the Tribunal before whom reference No. 2/C of 1971 was pending?

5. Shri Ranjit Singh, complainant, has examined himself as a witness as also Shri Mohinder Singh, his authorised representative, who has merely stated that reference No. 2/C of 1971 was pending when the impugned action was taken against the complainant without securing prior permission from the Tribunal.

Shri Ranjit Singh has more or less reiterated the stand taken by him in the complaint, and has placed on record telegrams that he had sent, Exts. C/1 and C/2, for securing extension of leave, and medical certificate, Ext. C/3, certificate of Sarpanch Ext. C/4, and orders passed by the Superintending Engineer, Ext. C/5, on his appeal, and has maintained that despite his having put in satisfactory documentary material to show that he had duly applied for extension of leave, he had not been allowed to resume duty.

6. The respondent has examined Shri Rattan Lal, his authorised representative, as a witness, who has maintained that since Shri Ranjit Singh failed to report for duty after having been absent for more than 10 days, i.e. from 12-8-71 to 4-9-71, without taking leave, his name was removed from the rolls and he was to be treated to have voluntary resigned as per orders passed by the Executive Engineer, Ext. R/1. He has admitted that he had no document in his possession to show that the order, Ext. R/1, had been communicated to the complainant, Shri Ranjit Singh, but has stated that since he had remained absent without taking leave for more than 10 days, his case had been treated as that of voluntary resignation as per certified standing orders. He has denied receipt of telegrams for extension of leave, but has maintained that if leave without pay were to be granted to a workman, the date of increment would be deferred to that extent i.e. for the period involved.

7. It is not understandable why the respondent chose to take the impugned action against the complainant after the complainant had proceeded on sanctioned leave and had applied for extension of leave through telegrams on the ground of his wife's serious illness, and had produced certificate, Ext. C/4 of Sarpanch. Strangely enough, the authorised representative of the respondent, for reasons best known to him, has chosen to deny receipt of the telegrams, though in the orders passed by the Superintending Engineer, Ext. C/5, he has referred to those telegrams sent for extension of leave by the complainant and has stated that since no intimation had been sent by the respondent Executive Engineer to the complainant about the orders having been passed about the telegrams so that the complainant could have come, and under these circumstances he (the Superintending Engineer) considered that the punishment awarded to the complainant was heavy and that he be given appointment, and for the back period he should apply to the concerned authority for regularisation of his absence but that he would not be entitled to any wages for the back period.

It is rather curious that after having terminated the services of the complainant, who had submitted telegrams for extension of leave, he had not been informed about the orders he obviously could not be expected to return to report for duty. This is all the more relevant when the Superintending Engineer in appeal passed orders that the complainant should be allowed to resume duty and he should apply for regularisation of service for the period of absence and added that he was not entitled to back wages. This order is not consistent with the explanation furnished by the complainant or rational, and there appears no justification for depriving the complainant of wages for the period of involved and adversely affecting his increment, while keeping in view the statement made by the authorised representative of the respondent Executive Engineer that if leave without pay were to be given, his date would be deferred to that extent.

Since by passing the orders complained of, the service conditions of the complainant have been adversely effected and the order is not justified, it is held that the complainant is entitled to regularisation of service and also to payment of wages for the period in question, and award is given accordingly.

Dated, 16th April, 1973.

P. P. R. SAWHNY, Presiding Officer

[No. L. 42012/1/73/LRIII.]

S.O. 1722.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Chandigarh in respect of a complaint under Section 33A of the said Act filed by Shri Jabdoor which was received by the Central Government on 28-5-1973.

**BEFORE SHRI P. P. R. SAWHNY, B.A. (Hons) CANTAB
BAR-AT-LAW, PRESIDING OFFICER, INDUSTRIAL
TRIBUNAL (CENTRAL), CHANDIGARH**

Complaint No. 2/22 of 1972

under section 33-A of the Industrial Disputes Act, 1947

Shri Jabdoor, Beldar, Token No. 322-S, Jaral Colony
Sub Division, Pandoh Township Complainant

Vs.

1. The Superintending Engineer, B. S. L., Administration and Accounts Circle, Sundernagar Township.
2. The Executive Engineer, Construction Production Division, B.S.L. Project, Pandoh Township.

Respondents.

Appearances:

Shri Mohinder Singh—for the complainant.
Shri Rattan Lal—for the respondents.

AWARD

Shri Jabdoor, beldar, had filed this complaint under section 33-A of the Industrial Disputes Act, 1947. It has been inter alia stated in the complaint that the S.D.O., who had charge-sheeted him, was not competent to do so, as he had the power to only suspend a workman for four days and he could not order any recovery from a workman and inflict any punishment of recovery, and that since the impugned action had been taken during the pendency of reference No. 2/C of 1971, without securing prior permission from this Tribunal, there has been contravention of the provisions of section 33-A of the Industrial Disputes Act, 1947.

2. The allegation against the complainant, Shri Jabdoor, beldar, is that some parts of truck No. B.L.-32 had been stolen during the night between 16th and 17th February, 1971, which had come about due to his negligence i.e. of Shri Jabdoor.

3. In the reply, that was filed by the respondents, the following preliminary objections have been taken and on merits, it has been stated that after the charge-sheet had been framed, a proper and fair enquiry had been held consistent with principles of natural justice, and that the complainant had been provided with full opportunity to defend himself, that the impugned action had been taken after carefully considering the facts on record, and that this action was justified and in order.

Preliminary objections :

- (i) That the complaint was not maintainable as the recovery/deduction from the wages had been ordered for the damage caused to the Government property, which was directly attributable to the neglect and default of the workman, and the opposite parties were, therefore, well within their right to invoke the provisions of Section 7(2)(e) of the Payment of Wages Act, 1936?
- (2) That the applicant had neither been discharged nor dismissed from service and for that reason no cause of action arose to the complainant to come to Industrial Tribunal.

4. The complainant put in a rejoinder thereafter, challenging the correctness of the pleas taken by the respondents by way of preliminary objections, as well as in respect of merits.

5. On the pleadings of the parties, the following issues were framed :—

Preliminary Issues :

- (1) Whether the complaint is not maintainable for the reasons as stated by the respondents that recovery in respect of deduction of wages ordered by the respondent Superintending Engineer in wages could be secured by invoking the provisions of section 7(2)(e) of the Payment of Wages Act, 1936?
- (2) Whether the complainant had not been dismissed or discharged from service, and as such there was no cause of action which could be adjudicated upon by this Tribunal ?

On merits :

Whether the respondent, Superintending Engineer was justified in awarding the punishment in ordering deduction of wages for the alleged damage caused to the respondent's property, which according to the respondent, Superintending Engineer was directly attributable to neglect and default of the complainant?

5. Since the parties did not wish to lead any evidence in respect of the preliminary issues, arguments of their authorised representatives were heard in that behalf.

The impugned action that has been taken by the respondents is under section 7(2)(e) of the Payment of Wages Act, 1936, and the complainant has not been dismissed or discharged from service for any action connected with the matters in dispute in reference No. 2/C of 1971, which are as under :—

- (1) Revision of pay scales of work-charged employees;
- (2) Regularisation of the services of work-charged employees;
- (3) Accident and retrenchment compensation to employees drawing more than Rs. 500 per month ;
- (4) Introduction of a gratuity scheme.

6. Section 7(2)(e) of the Payment of Wages Act, 1936 provides for recovery of a loss, if any, sustained and it cannot be deemed to be a punishment as envisaged by section 33-A of the Industrial Disputes Act, 1947. As such it is held that there has been no contravention of the provisions of section 33 of the Act and that respondents were justified in taking action against the complainant under section 7(2)(e) of the Payment of Wages Act, 1936.

Award is given accordingly. But the parties are left to bear their own costs.

P. P. R. SAWHNY, Presiding Officer

[No. L. 42012/1/73/I.R III]

S.O. 1723.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Chandigarh in respect of the a complaint under section 33A of the said Act filed by Shri Krishan Lal which was received by the Central Government on 28th May, 1973.

BEFORE SHRI P. P. R. SAWHNY, B.A. (HONS) CANTAB
BAR-AT-LAW, PRESIDING OFFICER, INDUSTRIAL
TRIBUNAL (CENTRAL), CHANDIGARH.

Complaint No. 2/43 of 1972

under section 33-A of the Industrial Tribunal Disputes Act, 1947.

Shri Krishan Lal, Welder, Token No. 842-C,
C/o. B.S.L. Workers' Union, Sundernagar. —Complainant
Vs.

Executive Engineer, Pen—Stock Division,
B.S.L. Project, Sundernagar Township. —Respondent.

Appearances :

Shri Mohinder Singh Togar—for the complainant.

Shri Rattan Lal—for the respondent.

AWARD

Shri Krishan Lal, Welder, has filed this complaint under section 33-A of the Industrial Disputes Act, 1947, and has maintained therein that he held substantive temporary post and after he had completed three months' service satisfactorily, and he went to report for duty, on 3-10-72 a notice was handed over to him to the effect that his service had been terminated with effect from 30-9-72, which was in contravention of the certified standing for factory establishment that were applicable to him, and that his services had been terminated without payment of one month's advance wages and without serving any chargesheet etc., and without obtaining prior permission from the Tribunal before whom reference No: 2/C of 1971 was pending, and that there had been contravention of the provisions of section 33(2)(b) of the Industrial Disputes Act, 1947.

2. The respondent in the reply to the complaint raised a preliminary objection that Shri Krishan Lal was employed for a specified period and that his service stood terminated without service of any notice.

On merits, it has been stated that since Shri Krishan Lal had been employed on temporary basis, he should not be deemed to be a substantive temporary employee, that clause 17 of the certified standing orders was applicable to him, and that there was no necessity for getting prior permission from the Tribunal.

3. No written rejoinder was filed by the complainant, and instead his authorised representative verbally generally controverted the pleas that had been raised by the respondent Executive Engineer in reply to the complaint and reiterated the stand taken by the complainant.

4. On the pleadings of the parties, the following issues were framed :—

Preliminary issue :

Whether the complaint is not maintainable as according to the respondent, Executive Engineer, the complainant had been engaged for a specified period after which his services stood terminated without service of any notice?

On merits

Whether there has been contravention of the provisions of section 33-A of the Industrial Disputes Act, 1947, as alleged by the complainant in his complaint that he had been removed from service by the respondent Executive Engineer, without obtaining permission from this Tribunal, when reference No: 2/C of 1971 was pending before this Tribunal?

Thereafter the complaint was fixed for the evidence of the parties on 28-12-72, but on that day, it was given out by the parties that the dispute had been settled out of court. Accordingly statements of the authorised representatives of the parties were recorded.

5. Shri Rattan Lal, the authorised representative of the respondent, has stated that a decision had been taken to take back Shri Krishan Lal in service and to allow his continuity of service, but that would be without payment of wages for the period that he remained un-employed.

Shri Mohinder Singh, the authorised representative of the complainant after hearing the statement made by Shri Rattan Lal has stated that since the dispute had been settled out of court, the complainant did not wish to pursue the complaint, and that it may be disposed of as not having been pressed and withdrawn.

6. Keeping in view the statements made by the authorised representatives of the parties, reproduced above, the complaint is disposed of as not having been pressed and withdrawn.

P. P. R. SAWHNY, Presiding Officer
[No. L 42012/1/73/LR III]

S.O. 1724.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Chandigarh in respect of a complaint under section 33A of the said Act filed by Shri Sukhdev Raj which was received by the Central Government on 28-5-1973.

BEFORE SHRI P. P. R. SAWHNY, B.A. (HONS.) CANTAB
BAR-AT-LAW, PRESIDING OFFICER, INDUSTRIAL
TRIBUNAL (CENTRAL), CHANDIGARH

Complaint No. 2/23 of 1972

under section 33-A of the Industrial Disputes Act, 1947.
Shri Sukhdev Raj, welder, Token No: 619-AH,

Pandoh Dam Division, Pandoh. —Complainant.

Vs....

The Chief Engineer,

Beas Sutlej Link Project, Sundernagar. —Respondent.

Appearances:

Shri Dhani Ram with the complainant.

Shri Rattan Lal for the respondent.

AWARD

It has been *inter alia* stated by Shri Sukhdev Raj in his complaint,

that he was transferred from Communication Division No. 1, Nangal Township, District Ropar, to Pandoh Dam Division, Mandi (H. P.) on 1-5-1972,

that he was again transferred from Pandoh Dam Division, Pandoh to Communication Division No. 1, Nangal Township on 11-5-72, and was again sent back to Pandoh Dam Division Pandoh from the Communication Division No. 1, Nangal Township 17-5-72,

that he was again transferred to Pandoh Dam Division Pandoh, and then to Penstock Division, Slapper on 29-6-72, but the Executive Engineer, Penstock Division declined to take him on duty on 29-6-72 and he apprehended that he may be transferred again within a few days just to harass him, that he having been declared as a protected workman by the B.S.L. Mazdoor Ekta Union (Regd.) Pandoh, the

respondents were not justified in harassing him in this manner and transferring him from place to place, and in that way there had been contravention of the provisions of section 33-A of the Industrial Disputes Act, 1947.

2. In the reply filed to the complainant, a preliminary objection was taken that the complaint was not maintainable as neither conditions of service of the complainant had been changed, nor he had been awarded punishment of dismissal or discharge.

In regard to merits, it has been maintained that the respondent was competent to order transfer the complainant within the project, in the interest of work, and that this Tribunal had no jurisdiction to pass any orders in the matter of transfer of a workman, from one Division to another within the Project.

And that the complainant was not a protected workman as per provisions of the Industrial Disputes Act, 1947 and the rules framed thereunder, and the complainant deserved dismissal.

3. Subsequently an application was filed by Shri Sukhdev Raj in continuation of his complaint, dated 30th June, 1972, stating therein that after his filing the complaint he was ordered to join duty at Pandoh Dam Division, Pandoh by the Personnel Officer, B.S.L. Project, Sundernagar vide his letter No. 5414-15/Tribunal, dated 1-8-72, but since there was no mention in the order regarding his attendance from 23-6-72 to 3-8-72, and also in regard to payment of wages, suitable order be passed so that the respondent, Chief Engineer may mark his attendance and pay to him wages for the aforesaid period.

The authorised representative of the respondent Chief Engineer has conceded that the orders had been passed by the Chief Engineer, directing the complainant to join duty with effect from 1-8-72 at Pandoh and in pursuance thereof the complainant had joined duty. He has, however, maintained that Tribunal could not take cognizance of the dispute that had been raised in the complaint, i.e. for marking his attendance from 27-6-72 to 3-8-72, and for payment of wages for the said period, as the remedy that was open to the complainant was to approach the Authority under the Payment of Wages Act.

After hearing arguments on this application, the parties were provided with an opportunity to lead evidence.

4. Shri Sukhdev Raj, complainant, has examined himself as his only witness, and reiterated that he was a protected workman and also what he had stated in his complaint regarding transfer etc., having been treated like a shuttle cock, and about his presence having not been marked with effect from 26-6-72 till 3-8-72, when he received orders from the respondent Chief Engineer, Ext. C/7, directing him to report immediately for duty to the Executive Engineer, Pandoh.

The respondent as examined Shri Rattan Lal, his authorised representative, as his only witness, who has maintained that Sukhdev Raj was not a 'protected workman' as envisaged by the Industrial Disputes Act, 1947, and added that Shri Sukhdev Raj had been transferred from one Division to another Division in public interest.

5. The complaint obviously does not lie and the application subsequently given in pursuance thereof is also not maintainable in as much as it has not been made clear in the complaint itself, or in the statement of Shri Sukhdev Raj as a witness that any industrial dispute was pending before Tribunal at the relevant time or that he was in any way connected with any such industrial dispute.

The question of contravention of the provisions of section 33 could only arise provided an industrial dispute be found to be pending at the time when the impugned action was taken, and the person against whom action had been taken, was connected with the dispute that may have been pending.

On this ground alone the complaint as well as the subsequent application, dated 26-7-72, deserve to be dismissed. It is, therefore, unnecessary to go into the question as to whether Shri Sukhdev Raj is entitled to payment of wages

for the period 26-6-72 to 3-8-72, when according to him his presence was not being recorded. Award is given accordingly that the complaint and subsequent application are held not to be maintainable, but the parties are left to bear their own costs.

P. P. R. SAWHNY, Presiding Officer
[No. L. 42012/1/73/LRIII]

S.O. 1725.—In pursuance of section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Chandigarh in respect of a complaint under Section 33A of the said Act filed by Shri Dilbagh Rai, which was received by the Central Government on 28-5-1973.

BEFORE SHRI P. P. R. SAWHNY, B.A. (HONS.) CANTAB BAR-AT-LAW, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, CENTRAL CHANDIGARH

Complaint No. 2/24 of 1972

Under Section 33-A of the Industrial Disputes Act, 1947
Shri Dilbagh Rai, Token No: 580-W,
Electrical Division No. 3,
Sundernagar Township.

—Complainant.

Vs.

Chief Engineer,
Beas Sutlej Link Project,
Sundernagar, (H. P.).

—Respondent.

Appearances:

Shri Dhani Ram—with the complainant.
Shri Rattan Lal—for the respondent.

AWARD

Shri Dilbagh Rai has inter alia stated in the complaint that he had been charge-sheeted for alleged manhandling Shri Sadha Ram, a co-worker, and on that account his subsistence allowance had not been paid to him during the period he remained suspended, and one year's annual increment had been stopped on basis of the report submitted by the enquiry officer, and that there had been contravention of the provisions of section 33-A of the Industrial Disputes Act, 1947.

2. In the reply filed to the complaint, the following two preliminary objections were taken by the respondent, Chief Engineer, and on merits it has been maintained that being dis-satisfied with the reply to the charge-sheet submitted by the complainant, the punishing authority appointed Shri Sat Narain, S.D.O., as enquiry officer to hold the enquiry in a fair and impartial manner consistant with the principles of natural justice,

that on his report, the complainant was awarded the punishment complained of, the complainant went in appeal and the punishment was confirmed by the appellate authority, and that since the service conditions of the complainant had not been changed in any manner and that he had neither been dismissed nor discharged from service, there had been no controversion of the provisions of section 33-A of the Industrial Disputes Act, 1947.

Preliminary objections:

- (1) That the complaint was bad in law, inasmuch as the respondent had neither altered the conditions of service applicable to the complainant immediately before the commencement of proceedings in respect of Ref. No. 2/C of 1971 nor had been discharged or dismissed from service during the pendency of the reference before this Tribunal, and
- (2) that the complaint was not maintainable being without jurisdiction for the reason that it did not attract the provisions of section 33(2) (b) of the I.D. Act, 1947.

3. No written rejoinder was filed by the complainant but he reiterated the position taken by him in the complaint and controverted the stand taken by the respondent.

4. On the pleadings of the parties the following issues were framed:—

Preliminary issue:

Whether the complaint in question is not competent and is bad in law, as according to the respondent Chief Engineer had neither been any alteration in

the conditions of service applicable to the complainant immediately before the commencement of proceedings in respect of the industrial dispute in reference No. 2/C of 1971, nor he had been discharged nor dismissed from service during the pendency of the above stated reference, pending before this Tribunal?

On merits

Whether there had been any contravention of the provisions of section 33-A of the Industrial Disputes Act, 1947, as alleged by the complainant that the respondent Chief Engineer had ordered non-payment of wages during the suspension period and stoppage of one increment during the pendency of reference No. 2/C of 1971, without first obtaining prior aprovel from the Tribunal?

5. The respondent has examined Shri Rattan Lal, his authorised representative as the only witness, and the complainant has also examined himself as the solitary witness.

The complaint itself shows that it is not maintainable as there is no allegation that any industrial dispute was pending before this Tribunal, when the impugned action was taken or that the complainant was in any way concerned with any industrial dispute that might be pending at the relevant time.

The complainant, who has appeared as a witness, has also not stated anything in this behalf. That being so, the question of contravention of provisions of section 33-A of the Industrial Disputes Act, 1947 obviously does not arise.

This apart, the respondent had proceeded to take action which had been complained of, after appointing Shri Sat Narain as enquiry officer, and there is nothing on the record to show that the enquiry officer was in any way prejudiced against the complainant or that he did not hold the enquiry in a fair and impartial manner or contravened the principles of natural justice.

In fact the complainant has admitted that he had been allowed to cross-examine the witnesses, and to produce evidence in defence, and he has not alleged any partisanship on the part of the enquiry officer.

Under these circumstances, it is held that there is no substance in the complaint, and it is disposed of as such.

The parties are, however, left to bear their own costs.

P. P. R. SAWHNY, Presiding Officer
[No. L. 42012/1/73/LRIII]

S.O. 1726.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Chandigarh in respect of a complaint under section 33A of the said Act filed by Shri Sukh Ram which was received by the Central Government on 28-5-1973.

BEFORE SHRI P. P. R. SAWHNY, B.A. (HONS.) CANTAB BAR-AT-LAW, PRESIDING OFFICER, CENTRAL INDUSTRIAL TRIBUNAL, CHANDIGARH

Complaint No. 2/26 of 1972

under section 33-A of the Industrial Disputes Act, 1947

Shri Sukh Ram, Beldar, T. No. 4136-F, C/o. B. S. L. Workers Union, Sundernagar. —Complainant.

Vs.

Sub Divisional Officer,
Power Plant Construction Sub Division,
Power Plant Construction Division,
B. S. L. Project, Sundernagar.

—Respondent.

Appearances:

Shri Mohinder Singh Toggar—for the complainant.
Shri Rattan Lal—for the respondent.

AWARD

Shri Sukh Ram has filed this complaint under section 33-A of the Industrial Disputes Act, 1947, who was appointed as a beldar with effect from 4-8-71 by the Personnel Officer of the respondent Project, which post he claims to have held substantive temporary under the certified standing orders.

According to him he performed his duties satisfactorily upto 30-6-72 and he was removed from service by the respondent S.D.O., without assigning any reason or giving any notice as is provided for under the certified standing orders, and some juniors had been allowed to continue in service while ignoring provisions of section 25(G).

2. On a copy of the complaint having been furnished to the respondent, he submitted reply in which he has taken the following preliminary objections and in respect of merits he has inter alia stated that the complainant had been appointed as a beldar for a specified period only and he (the complainant) cannot claim to have held a substantive temporary rank in view of provisions of the certified standing orders in respect of non-factory staff, and that when his services were no longer required they could be dispensed with according to the terms of contract between the parties, and as such there was no need to seek prior permission of the Tribunal when a reference was pending before this Tribunal.

Preliminary objections :

- (1) That the complaint was bad in law as the conditions of service of the complainant immediately before the commencement of the industrial dispute, reference No. 2/C of 1971 were neither altered nor was he discharged or dismissed from service during the pendency of the said reference, and
- (2) that the instant complaint did not attract the provisions of section 33-A or (b) of the Industrial Disputes Act, 1947, and that being so, the complaint is not maintainable.

3. In the rejoinder the complainant has challenged the correctness of the preliminary objections and more or less reiterated the position taken by him in the complaint and controverted the pleas taken by the respondent in the reply to the complaint.

4. On the pleadings of the parties the following issues were framed :—

Preliminary issue :

Whether the complaint does not lie and is incompetent as stated by the respondent Sub-Divisional Officer that the conditions of service of the complainant immediately before the commencement of the industrial dispute forming subject-matter of reference No. 2/C of 1971 had neither been altered nor he had been discharged from service during the pendency of the said reference and whether as such, the complaint does not attract provisions of section 33-A or (b) of the Industrial Disputes Act, 1947 ?

On merits :

Whether there has been contravention of the provisions of section 33-A of the Industrial Disputes Act, 1947, for the reason as alleged by the complainant that he had been removed from service during the pendency of reference No. 2/C of 1971, without permission having been obtained from the Tribunal ?

5. Shri Sukh Ram has examined himself as also Shri Mohinder Singh as a witness, who has appeared in order to support the complaint, and Shri Chand Parkash, S.D.O. of the respondent Project, has appeared as a witness.

It is not denied by the complainant that he had been employed for a specified period, but he has maintained that he was not aware of any period of employment in the letter issued to him, and that he was ignorant regarding respondent having displayed a notice on the notice board and a list of workmen whose services had been terminated along with him, or that after the expiry of three months of his employment, the respondent had pasted a notice on the notice board giving out that his services had been extended for a period of three

months. He has also maintained that one Kartar Chand, whose name had been removed from muster rolls, had been employed again.

However, all this does not help him as he had been appointed for a specified period, and the respondent was justified in dispensing with his services, when no longer required.

6. It has been urged on behalf of the complainant that since after the expiry of the original period of employment, the terms of employment had been extended whereby he (the complainant) had put in three years' continuous service, he had to be treated as a substantive temporary employee and was entitled to remain in employment so long as the post existed, as per clause (3) sub-clause (c) of the certified standing orders, and that before his services could have been terminated, the respondent had to give him 10 days' notice as per clause 16 sub-clause (d) and also to pay wages for the notice period, and that the S.D.O., was not competent to pass orders of dismissal.

7. In so far as the second contention of the complainant is concerned, it has been stated by the respondent's authorised representative that the order of dismissal was not passed by the S.D.O., but by the Executive Engineer, and so far as the other contention of the complainant is concerned, it had also been maintained on behalf of the respondent that since the complainant had been employed for a specified period and keeping in view clause 3(I) of the certified standing orders, he could not claim to be treated as a temporary substantive employee, merely because the term of employment had been extended from time to time after giving him notices in this behalf.

8. In the circumstances explained above, on the period of complainant's employment having been expired and so also the period of extension which had been given to him from time to time the respondent was justified in taking the action that has been taken complained of. Besides it has been stated by Shri Chand Parkash, S.D.O., R.W. 1, that the complainant's services had been terminated in the same manner along with 72 others similarly employed.

There is thus no substance in the complaint, and it is disposed of as such.

P. P. R. SAWHNY, Presiding Officer
[No. L. 42012/1/73/LRIII]

S.O. 1727.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Chandigarh in respect of a complaint under section 33-A of the said Act filed by Shri Ram Asra which was received by the Central Government on 28-5-1973.

BEFORE SHRI P.P.R. SAWHNY, B.A. (HONS.)
CANTAB BAR-AT-LAW,

PRESIDING OFFICER, INDUSTRIAL TRIBUNAL
(CENTRAL), CHANDIGARH

Complaint No. 2/35 of 1972

under section 33-A of the Industrial Disputes Act, 1947
Shri Ram Asra, Welder, Token No. 564-C,

Communication Division, Nangal Township.

Complainant.

Vs.

The Chief Engineer, B. S. L. Project, Sundernagar,

Respondent.

Appearances:

Shri Dhani Ram—for the complainant.

Shri Rattan Lal—for the respondent.

AWARD

This is a complaint by Shri Ram Asra, welder, under section 33-A of the Industrial Disputes Act, 1947 alleging that there has been contravention of the provisions of section 33, inasmuch as he had been unjustifiably transferred from Slapper to Nangal which involved a loss of house rent @ 10% and non-payment of special allowance @ 15% of the

basic pay and dearness pay, and non-realisation of Employees Provident Fund concession, which was not applicable to employees posted at Nangal, that he had been victimised as he was a member and official of the Penstock Division, Slapper thin, and as General Secretary of the B.S.L. Mazdoor Ekta Union, had been declared as a protected workman *vide* letter sent to the Chief Engineer, dated 26-4-1972, and that the transfer involved a loss of Rs. 70 per month.

2. In the reply to the complaint two preliminary objections have been taken, and on merits it has been stated that since there has been no charge in the conditions of service the question of violation of the provisions of section 33-A of the Industrial Disputes Act, 1947 did not arise, and that the complaint was without jurisdiction, *inasmuch* as the complaint was transferred in public interest from Slapper to Communication Division, Nangal like other workcharged employees from one Division to another on the Project, and that no other workcharged employee was in receipt of any allowances at Nangal.

It has been denied that the complainant was a protected workman, and added that even if he be so, the transfer from Slapper to Nangal had nothing to do with his status as General Secretary of the B.S.L. Mazdoor Ekta Union.

3. In the rejoinder, the complainant controverted the pleas taken by the respondent in his reply and has generally reiterated the stand taken by him in the complaint.

4. On the pleadings of the parties, the following issues were framed:—

Preliminary issue

Whether this Tribunal has no jurisdiction to entertain the complaint, *inasmuch* as the complainant is not to have been discharged or dismissed from service and conditions of his service had not been in any manner charged, he having been merely transferred from Penstock Division, Slapper to Communication Division, B.S.L. Nangal in public interest?

On merits

Whether there had been any contravention of the provisions of section 33-A of the Industrial Disputes Act as alleged by the complainant that he had been transferred from Penstock Division to Nangal Communication Division during the pendency of Ref. 2/C of 1971 without first obtaining prior approval from the Tribunal?

5. The complainant has produced Shri Dhani Ram his authorised representative, as a witness, and the respondent has examined his authorised representative, Shri Rattan Lal.

Shri Dhani Ram has more or less reiterated the position taken by the complainant in the complaint and refuted all that had been stated in the reply to the complaint.

The sole question that arises for consideration is whether the respondent authorities were justified in ordering transfer of Shri Ram Asra, without giving any notice thereby causing to him a loss of Rs. 60 to Rs. 70 per month, to which he was entitled by way of allowances.

6. No doubt, Shri Ram Asra claims to be the General Secretary of the B.S.L. Project, Mazdoor Ekta Union and member of the works committee but this alone does not go to show that the respondent was in any way biased against him on that account. Obviously mere transfer from one Division to another does not amount to any change in service conditions, and that being so, the question of violation of the provisions of section 33-A of the I.D. Act, 1947 does not arise, and it is held that there is no substance in the complaint.

Award is given accordingly, and the parties are left to bear their own costs.

[No. L. 42012/1/73/LRIII]

P. P. R. SAWHNEY, Presiding Officer.

S.O. 1728.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Chandigarh in respect of a complaint under section 33A of the said Act filed by Shri Balbir Singh which was received by the Central Government on 28-5-1973.

BEFORE SHRI P.P.R. SAWHNEY, B.A. (HONS.)

CANTAB BAR-AT-LAW, PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL (CENTRAL), CHANDIGARH

Complaint No. 2/41 of 1972
under section 33-A of the Industrial Disputes Act, 1947

Shri Balbir Singh, beldar, Token No.
817-C, C/o B.S.L. Workers Union,
Sundernagar.

Complainant.

Vs.

Executive Engineer, Penstock Division,
B.S.L. Project, Sundernagar Township (H.P.)

Respondent.

APPEARANCES:

Shri Mohinder Singh Toggar—for the complainant.
Shri Rattan Lal—for the respondent.

AWARD

Shri Balbir Singh, complainant, has filed this complaint under section 33-A of the Industrial Disputes Act, 1947, and has alleged that while he was holding post of substantive temporary nature, the respondent Executive Engineer terminated his services with effect from 1-10-1972 in contravention of provisions of the certified standing orders which were applicable to them, and that this had been done without taking prior permission of the Tribunal before whom reference No. 2/C of 1971 was pending, and that there has been contravention of the provisions of section 33-A of the Industrial Disputes Act, 1947.

2. The respondent raised a preliminary objection in the reply to the complaint that the complaint was not maintainable as Shri Balbir Singh had been employed for a specified period and after which his service automatically stood terminated without service of any notice.

On merits, it has been admitted that the services of Shri Balbir Singh had been terminated after the expiry of the specified period, for which he had been employed, and added that no prior permission of this Tribunal or notice etc. was required and that there had been no contravention of the provisions of the certified standing orders.

3. No written rejoinder was put in, but the authorised representative of the complainant verbally reiterated the pleas taken by the complainant in the complaint, and refuted the stand taken by the respondent in his reply to the complaint.

4. On the pleadings of the parties, the following issues were framed:—

Preliminary issue

Whether the complaint is not maintainable, as according to the respondent, Executive Engineer, the complainant had been engaged for a specified period after which his services stood terminated without serving any notice?

On merits

Whether there has been any contravention of the provisions of section 33-A of the Industrial Disputes Act, 1947, as alleged by the complainant in his complaint that he had been removed from service by the respondent Executive Engineer from service by the respondent Executive Engineer without obtaining permission from this Tribunal when reference No. 2/c of 1971 was pending before this Tribunal?

5. Shri Balbir Singh, complainant, has examined himself as the only witness, and the complaint was adjourned to 28-12-1972 for the evidence of the respondent. However, after his statement had been recorded, the authorised representative of the parties gave out that the matter in dispute had been settled out of court. Accordingly their statements were recorded.

Shri Rattan Lal, the authorised representative of the respondent Executive Engineer, as stated that a decision had been taken while taking back Shri Balbir Singh in service to allow him continuity of service, but that he would not be allowed payment of wages for the period that he remained unemployed.

Shri Mohinder Singh, the authorised representative of the complainant, has stated that he had heard the statement made by Shri Rattan Lal, the authorised representative of the respondent, and as the matter in dispute had been settled amicably out of court, the complainant did not wish to pursue the complainant, and that it may be disposed of as not having been pressed and withdrawn.

6. Having regard to the statements made by the authorised representatives of the parties, reproduced above, the complaint is disposed of as not having been pressed and withdrawn.

P. P. R. SAWHNY, Presiding Officer
[No. L. 42012/1/73/LRIII]

S.O. 1729.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Chandigarh in respect of a complaint under Section 33A of the said Act filed by Shri Randhir Singh which was received by the Central Government on 28-5-1973.

BEFORE SHRI P.P.R. SAWHNY, B.A. (HONS.)
CANTAB BAR-AT-LAW, PRESIDING OFFICER,
CENTRAL INDUSTRIAL TRIBUNAL,
CHANDIGARH

Complaint No. 2/28 of 1972

under section 33-A of the Industrial Disputes Act, 1947

Shri Randhir Singh, Driver, Token No.
54-J, Aggregate Production Sub-
Division, B.S.L. Project Sundernagar Complainant.
Vs.

Sub Divisional Officer, Aggregate Pro-
duction Sub-Division No. 2, B. S.L.
Project, Sundernagar
Respondent.

APPEARANCES:

Shri Mohinder Singh Togar—for the complainant.
Shri Rattan Lal—for the respondent.

AWARD

Shri Randhir Singh, Driver, Token No. 54, filed this complaint under section 33-A of the Industrial Disputes Act, 1947, in which it has been *inter alia* stated that the respondent Sub-Divisional Officer had inflicted a punishment of two days' suspension on him without securing prior permission from this Tribunal, when reference No. 2/C of 1971 was pending and had thereby contravened provisions of section 33(2)(b) of the Industrial Disputes Act, 1947.

2. The respondent filed his reply to the complaint and raised the following preliminary objections, and on merits refuted the contentions of the complainant workman.

Preliminary objections:

- (1) That the complaint is bad in law, inasmuch as the complainant had neither been discharged nor dismissed from service and also because the conditions of service applicable to him immediately before the commencement of proceeding before the Tribunal in respect of reference No. 2/C of 1971, had not been altered.
- (2) That the complainant had been awarded the punishment in question for misconduct of negligence of duty as per provisions of the Certified Standing Orders in respect of non-Factory staff, and in doing so, the respondent had not infringed the provisions of section 33(2)(q) or (b) or section 33(3) of the I.D. Act, 1947.

3. The proceedings were thereafter adjourned for filing of rejoinder, but instead of putting in rejoinder, Shri Mohinder Singh, the authorised representative of the complainant, made a statement that the complainant did not wish to pursue the complaint as they now discovered that the Industrial Tribunal was not the appropriate authority for taking action in the matter.

4. Having regard to the statement of Shri Mohinder Singh, the authorised representative of the complainant, and reproduced above, the complaint is disposed of as not having been pursued and withdrawn.

No order as to costs.

P. P. R. SAWHNY, Presiding Officer
[No. L. 42012/1/73/LRIII]

S.O. 1730.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Chandigarh in respect of a complaint under Section 33A of the said Act filed by Shri Jit Singh which was received by the Central Government on 28-5-1973.

BEFORE SHRI P.P.R. SAWHNY, B.A. (HONS.) CANTAB
BAR-AT-LAW, PRESIDING OFFICER, CENTRAL
INDUSTRIAL TRIBUNAL, CHANDIGARH

Complaint No. 2/38 of 1972

under section 33-A of the Industrial Disputes Act, 1947

Shri Jit Singh, Token No. 333-C,
Junior fitter, C/o B.S.L. Workers
Union, Sundernagar.
Complainant
Vs.

Executive Engineer, B.S.L. Penstock
Division, Sundernagar.

Respondent.

APPEARANCES:

Shri Mohinder Singh—for the complainant.
Shri Rattan Lal—for the respondent,

AWARD

Shri Jit Singh, Token No. 333-C, a junior fitter in Structure Shop Division, Penstock Division, has filed this complaint under section 33-A of the Industrial Disputes Act, 1947 as according to him, his name had been removed from service without obtaining prior permission of this Tribunal, at a time when a dispute forming subject matter of reference No. 2/C of 1971 was pending, in which he was an interested party.

In this connection he has also stated that he had been arrested on 10-9-1972, under sections 107/151 Cr. P.C. by the police and that he had requested the police authorities to inform his officers and they had told him that information regarding his arrest had been conveyed to his officers, that he remained in the custody of the police up to 29-9-1972, and that when he reported for duty, he was handed over letter No. 79-86/7E/FD, dated 22-9-1972, intimating that his service had been terminated.

2. The respondent Executive Engineer has raised the following preliminary objections, and on merits he has denied that he had been informed at any time by the complainant about his arrest under sections 105/151 Cr. P.C., and that since Shri Jit Singh, complainant, had been absent from duty for more than 10 days, as provided for under clause 15 of the certified standing orders in respect of Factory staff, his name had been removed from the rolls of the establishment for having voluntarily resigned from the Project's service.

In this behalf, it has also been stated that when the complainant came to resume duty on 3-10-1972, he did not explain properly about his absence or state whether he had been bailed out or not, that it was not possible to wait for an indefinite period for the complainant to report for duty, and that under these circumstances, there was no necessity to seek prior permission from the Tribunal, inasmuch as the complainant had not been discharged or dismissed from service.

Preliminary objections:

That the complaint was not maintainable for the reason that the complainant had neither been discharged nor dismissed from service, and also because the conditions of service applicable to him before the pendency of reference No. 2/C of 1971, had not been changed and his name had been removed from the rolls, he having voluntarily resigned from service.

3. No written rejoinder was put in by the complainant but he verbally reiterated the position taken by him in his complaint, and controverted the pleas that were taken by the respondent in his reply to the complaint.

4. On the pleadings of the parties, the following issues framed:—

Preliminary issue:

Whether the instant complaint is not maintainable as according to the respondent, the complainant had neither been discharged nor dismissed from service and on that account his name was removed from the rolls, and also for the reason that the conditions of service applicable to him before the pendency of reference No. 2/C of 1971 had not been changed?

On merits

Whether there had been any contravention of the provisions of section 33-A of the Industrial Disputes Act, 1947, as alleged by the complainant?

5. The complainant has examined himself as his only witness and the respondent have examined Shri Roshan Lal Vij, S.D.O. B.S.L. Project, Sundernagar, as their solitary witness.

From the statement made by Shri Jit Singh it appears that after he was arrested on 10-9-1972 under sections 107/151 Cr. P.C., he remained in the custody of the police upto 29th September, 1972, and that he requested the police authorities to inform his employers and they told him that they would do so.

This contention finds support from leave application, Ext. R/1, dated 23rd September, 1972, which is admitted to have been received by Shri Roshan Lal, R.W. 1, a day subsequent to the passing of the orders, Ext. C/1, in regard to treating the case of Shri Jit Singh as that of voluntary resignation under the certified standing orders.

Apart from this, the plea of Shri Jit Singh also finds support from Ext. C/2, a certificate issued by the Asstt. Superintendent, Jail that Shri Jit Singh had put in an application to the respondent S.D.O. vide his despatch No. 934 dated 23-9-1972.

It is also to be found from the statement of Shri Roshan Lal Vij S.D.O. R.W. 1 that when the complainant came to report for duty, he told him that he was arrested by the police, and that for that reason he could not report for duty or apply for leave.

Thus the absence of Shri Jit Singh, complainant, from duty for more than 10 days was not wilful or without sufficient cause, and a person of his intelligence appears to have taken all possible steps to inform his employers the circumstances which prevented him from reporting for duty and he had in fact explained the circumstances at the earliest opportunity, when he reported for duty, but was not allowed to join duty.

It is unfortunate that the police authorities for reasons best known to them, did not inform the employers of the complainant about his having been arrested by them, but since the contention of the complainant that he remained in police custody up to 29-10-1972, has not been challenged by the respondent Executive Engineer. Shri Jit Singh, complainant, could not have possibly reported for duty till such time as he was released by the police.

With this background the respondent Executive Engineer does not appear to be justified in passing orders, Ext. C/1, treating the case of Shri Jit Singh as that of voluntary resignation, as these orders in fact tantamount to termination of services and since at that time reference No. 2/C of 1971 was pending in which the complainant was an interested party, it was incumbent upon the respondent to have secured prior permission which they have not done.

It may also be mentioned that the orders, Ext. C/1, were not sent to the complainant, Shri Jit Singh, at his home address, though according to Shri Roshan Lal, R.W. 1, home addresses of employees are to be found in their service books, and it was not necessary to send it at the local address of Shri Jit Singh, and all that has been stated in this behalf is that a man was sent to find out if Shri Jit Singh was at his local address, and it was learnt that he was not there.

It has been urged on behalf of the respondent that in case a workman does not apply for leave on account of detention or otherwise, and remains absent for more than 10 days, such a workman loses lien on the post and the management acquires a right to strike off his name from their register.

They have relied upon in this behalf upon Supreme Court Labour Judgment—page 1023, and Misconduct in Employment—page 602. Neither of these cases are applicable to the facts of the instant complaint, as they relate to private industry cases.

There is of course no dispute that under clause 14 of the certified standing orders, services of a workman are deemed to have been automatically terminated, if he does not report for duty and remains absent for more than 10 days, but such absence from duty if be not voluntary but beyond his control obviously his case cannot be considered to be that of voluntary resignation. Neither of these citations under such circumstances are of any benefit to the respondent.

The complainant has relied upon 1968-F.J.R.—Vol. 34—page 42 at 46, wherein it has been observed as under but this too is not of any assistance:—

"But, in my opinion, the words "fails to resume duty" apply to a railway servant who by a voluntary and deliberate act or omission stays away from duty and

fails to report, and not to one who was prevented by a cause beyond his control to resume duty."

In view of the position explained above, it is held that there has been contravention of the provisions of section 33-A of the Industrial Disputes Act, 1947, and that there was no justification for terminating the services of the complainant, Shri Jit Singh.

P. P. R. SAWHNY, Presiding Officer

[No. L. 42012/1/73/LR III]

S.O. 1731.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Chandigarh in respect of a complaint under Section 33-A of the said Act filed by Shri Jit Singh which was received by the Central Government on 28-5-1973.

BEFORE SHRI P. P. R. SAWHNY, B.A. (HONS.) CANTAB BAR-AT-LAW, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL (CENTRAL), CHANDIGARH

Complaint No. 2/39 of 1972

Under section 33-A of the Industrial Disputes Act, 1947
Shri Jit Singh, T. No. 436-C, Pipe fitter, C/o B.S.L.
Workers Union, Sundernagar.Complainant

Vs.

Executive Engineer, B.S.L. Penstock Division, Sundernagar.Respondent.

Appearances :

Shri Mohinder Singh Toggar—for the complainant.
Shri Rattan Lal—for the respondent.

AWARD

This is a complaint by Shri Jit Singh, Token No.: 436-C, who was working as a pipe fitter in Penstock Division, Sundernagar. He has stated therein that he was arrested under sections 107/151 Cr. P.C., and that he was kept in lock-up upto 29-9-72, and that he had requested the S.H.O. to inform his officers about his arrest, and that he had also handed over his leave application, and was told that necessary information had been given to his employers.

He has further stated in the complaint, that on 15-9-72 he sent his leave application through Shri Garib Dass workman, who was working with him, and also sent other applications on 20-9-72 and 23-9-72 through Mandi Police authorities,

that when he was released from police custody he went to report for duty but was not allowed to join and was instead handed over letter No. 71-78/7-E/FD, dated 22-9-72 and intimated this his services had been terminated with effect from 22-9-72, and

that this action of the respondent was in contravention of the provisions of section 33(2)(b) as no prior permission had been taken as reference No. 2/C of 1971 was pending, in which he was an interested party.

2. In the reply put in by the respondent to the complaint, the following preliminary objections were taken, and in respect of merits, it has been stated that the complainant had not informed him about his arrest by the police under sections 107/151 Cr. P.C., and that since the complainant remained absent from duty, his name had been removed from the rolls, his case having been treated as that of voluntary resignation under the certified standing orders.

It has also been stated that they had not received any leave application, except one, dated 25-9-72, through Shri Garib Das or any one else, and added that it was not possible for them to wait for the complainant indefinitely, and that under these circumstances there was no necessity for taking prior permission of the Tribunal before whom reference No. 2/C of 1971 was pending, as the case of the complainant was not that of discharge or dismissal from service.

Preliminary objections :

That the complaint was not maintainable under section 33-A of the Industrial Disputes Act, 1947 as the complainant had neither been discharged nor dismissed from service, and also for the reason that the conditions of service applicable to him before the pendency of reference No. 2/C of 1971, had not been changed and his name had been removed from the rolls, he having voluntarily resigned from service.

No written rejoinder was put in by the complainant, but he verbally reiterated the position taken by him in the complaint and contravened the stand taken by the respondent in his reply to the complaint.

3. On pleadings of the parties, the following issues were framed:

Preliminary issue :

Whether the instant complaint is not maintainable as according to the respondent, the complainant had neither been discharged nor dismissed from service, in as much as the complainant is said to have voluntarily resigned from service and on that account his name was removed from rolls, and also for the reason that the conditions of service applicable to him before the pendency of reference No. 2/C of 1971 had not been changed?

On merits

Whether there had been any contravention of the provisions of section 33-A of the Industrial Disputes Act, 1947, as alleged by the complainant?

4. Shri Jit Singh, complainant, has examined himself as his only witness. The respondent has examined Shri Roshan Lal Vij, S.D.O., B.S.L. Project, Sundernagar, as his solitary witness.

From the statement of Shri Jit Singh it transpires that his services had been terminated on 22-9-72, when he was in police custody, having been arrested under sections 107/151 Cr. P.C.,

that he was released on bail after 18 days as earlier to that no one came forward to furnish surety for him, and that when he was actually released on bail and he reported for duty, he was not allowed to join duty and his services had been terminated vide order, Ext. C/2.

He has also stated that he had requested the S.H.O. to inform his employers as he was a Government employees, and he had been told that they would send necessary intimation, which was in fact incumbent upon him to do, and that he had also submitted an application for leave while he was in jail vide C/1 requesting the Superintendent Jail to inform his employers about his arrest, and

that he had submitted two other leave applications to the S.D.O., Penstock Division, and as per statement made by Shri Roshan Lal Vij, one of the applications of Shri Jit Singh, dated 20-9-72, was received in his office on 25-9-72.

The complainant has also stated that he had told the S.D.O. concerned after he was released on bail, about his arrest through applications, and that being in the lock-up he could not report for duty earlier.

Shri Roshan Lal Vij, S.D.O., R.W. 1, has admitted that leave application, dated 20th September, 1972, was received on 25-9-72, and added that it was not necessary to send a copy of orders, Ext. C/2, to Shri Jit Singh, complainant, even though home address must be in his service book, for the reason that his case had been treated as that of voluntary resignation.

5. It is unfortunate that the police authorities for reasons best known to them, did not inform the employers of the complainant about complainant having been arrested by them, but since the contention of the complainant that he remained in police custody upto 29-9-72, has not been challenged by the respondent, Executive Engineer, Shri Jit Singh, complainant could not obviously have reported for duty till such time, as he was released by the police.

With this back ground the respondent Executive Engineer does not seem to me to be justified in passing orders, Ext. C/2 treating the case of Shri Jit Singh as that of voluntary resignation, as these orders in fact tantamount to termination

of services and since at that time reference No. 2/C of 1971 was pending, in which the complainant was an interested party, it was incumbent upon the respondent to have secured prior permission, which they have not done.

It has been urged on behalf of the respondent that in case a workman does not apply for leave on account of detention or otherwise, and remains absent for more than 10 days, such a workmen loses lien on the post and the management acquires a right to strike off his name from their register.

They have relied upon, in this behalf, upon Supreme Court Labour Judgments—page 1023, and Misconduct in Employment—page 602. Neither of these cases are applicable to the facts of the instant complaint and they relate to private industry cases.

There is of course no dispute that under clause 14 of the certified standing orders, services of a workman are deemed to have been automatically terminated if he does not report for duty and remains absent for more than 10 days, but such absence from duty if be not voluntary but be beyond his control, obviously his case cannot be considered to be that of a voluntary resignation. Neither of these citations under such circumstances are of any avail to the respondent.

The complainant has relied upon 1968-F.J.R. Volume 34, page 42 at 46, where it has been observed as under, but this too is of no assistance:—

"But, in my opinion, the words 'fails to resume duty' apply to a railway servant who by a voluntary and deliberate act or omission stays away from duty and fails to report, and not to one who was prevented by a cause beyond his control to resume duty."

In view of the position explained above, it is held that there has been contravention of the provisions of section 33-A of the Industrial Disputes Act, 1947, and that there was no justification for terminating the services of the complainant, Shri Jit Singh.

P. P. R. SAWHNY, Presiding Officer
[No. L. 42012/1/73/LRIII]

S.O. 1732.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Chandigarh in respect of a complaint under section 33-A of the said Act filed by Shri Dhani Ram which was received by the Central Government on 28-5-1973.

BEFORE SHRI P. P. R. SAWHNY, B.A. (HONS.) CANTAB BAR-AT-LAW, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL (CENTRAL), CHANDIGARH

Complaint No. 2/36 of 1972

Under section 33-A of the Industrial Disputes Act, 1947.
Shri Dhani Ram, Token No: 2890-F, Gate Keeper,
President, Mazdoor Ekta Union C/o 1371, Sunder-
nagar, District Mandi Complainant.

Vs.

The Chief Engineer, B.S.L. Project, Sundernagar, Dis-
trict Mandi, Himachal Pradesh Respondent.

Appearances :

Shri Dhani Ram—for the complainant.
Shri Rattan Lal—for the respondent.

AWARD

Shri Dhani Ram has filed this complaint under section 33-A of the Industrial Disputes Act, 1947, alleging that there had been contravention of the provisions of section 33-A of the Industrial Disputes Act, 1947, inasmuch as the respondent had ordered that his services were no longer required after 31-7-72 during the pendency of the demands, and that the respondent was not justified in terminating his services without securing prior permission from this Tribunal.

2. In the reply filed by the respondent Chief Engineer certain preliminary objections had been raised, and on merits it was stated that since the complainant was appointed for

a specified period, and on conclusion of the contractual period his services had been justifiably dispensed with as no longer required and that there was no contravention of the provisions of section 33-A of the Industrial Disputes Act, 1947, and that the complaint was misconceived.

3. In the rejoinder, the complainant controverted the plea taken by the respondent in the reply and generally reiterated the stand taken by him in the complaint.

4. On the pleadings of the parties, the following issue was framed:—

"Whether there had been any contravention of the provisions of section 33-A of the Industrial Disputes Act, 1947, as alleged by the complainant in his complaint that his services had been terminated during the pendency of reference No. 2/c, without first obtaining approval from the Tribunal?"

5. The complainant did not appear himself, but instead his authorised representative has appeared as a witness on his behalf, and Shri Rattan Lal has appeared as a witness on behalf of the respondent Chief Engineer.

According to Shri Dhani Ram, the complainant was working as a gate keeper in the Vigilance and Security Staff Division when his services had been terminated on the specified dated i.e. the date up to which he was employed, and that some other employees appointed in similar circumstances, had been allowed to continue in service, and that some new hands had also been employed subsequently. However, he has admitted that no gate-keeper had been employed by the respondent after the complainant's services had been terminated.

The fact that Shri Dhani Ram had been appointed for a specified period, has not been denied by him and it is also borne out from letter of appointment, Ext. R/1. As such there is nothing objectionable for the respondent in dispensing with the services of the complainant after expiry of contractual period, and Shri Dhani Dam is not entitled to make a grouse of it. In any case there is no contravention of section 33-A of the Industrial Disputes Act, 1947 with the given facts.

Apart from this, it has also been admitted by the representative of the complainant that after his services had been terminated, no one had been employed as a gate keeper which goes to show that gate keepers were no longer needed.

The complaint is accordingly disposed of as being without any substance.

P. P. R. SAWHNY, Presiding Officer
[No. L. 42012/1/73/LRIII]

S.O. 1733.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Chandigarh in respect of a complaint under Section 33-A of the said Act filed by Shri Khushal Chand which was

BEFORE SHRI P. P. R. SAWHNY, B.A. (Hons.) CANTAB BAR-AT-LAW, PRESIDING OFFICER, CENTRAL INDUSTRIAL TRIBUNAL, CHANDIGARH.

Chandigarh.

Complaint No. 2/33 of 1972

Under section 33-A of the Industrial Disputes Act, 1947.
Shri Khushal Chand, chowkidar, T. No. 626-A.D., C/o B.S.L. Workers Union, Sundernagar Complainant.

Vs.

Executive Engineer, Ware House Division, B.S.L. Pro-
ject, Sundernagar Township Respondent.

Appearances :

Shri Mohinder Singh—for the complainant.
Shri Rattan Lal—for the respondent.

AWARD

Shri Khushal Chand, chowkidar, has filed this complaint alleging contravention of the provisions of section 33-A of the Industrial Disputes Act, 1947, by the respondent, inasmuch as punishment of pecuniary loss had been inflicted upon him which according to him was not within the competency of the Divisional Officer, Store Sub-Division, Sundarnagar, who could only order a punishment of four days' suspension to a workman, and also for the reason that the impugned action had been taken without securing prior permission from this Tribunal before whom reference No. 2/C of 1971 was pending.

2. The respondent filed reply to the complaint raising the following preliminary objections, and on merits the respondent refuted the contentions of the complainant workman.

Preliminary objection:

- (1) That the instant complaint was bad in law, inasmuch as the conditions of service of the complainant immediately before the commencement of the industrial dispute in reference No. 2/C of 1971, were not altered nor was he discharged/dismissed from service during the pendency of the Industrial dispute before this Tribunal.
- (2) That the instant complaint was not maintainable for the reason that it did not attract the provisions of section 33(a) or (b) of the Industrial Disputes Act, 1947.

3. The proceedings were thereafter adjourned for filing of rejoinder, but instead of putting in a rejoinder, Shri Mohinder Singh, the authorised representative of the complainant, made a statement that the complainant did not wish to pursue the complainant as he had now found out that the Industrial Tribunal was not the appropriate authority to take action in the matter.

4. Keeping in view the statement made by Shri Mohinder Singh, the authorised representative of the complainant, as reproduced above, the complaint is disposed of as not having been pursued and withdrawn.

The parties are left to bear their own costs.

P. P. R. SAWHNY, Presiding Officer
[No. L. 42012/1/73/LRIII]

S.O. 1734.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Chandigarh in respect of a complaint under section 33-A of the said Act filed by Shri Kalia Ram which was received by the Central Government on 28th May, 1973.

BEFORE SHRI P. P. R. SAWHNY, B.A. (HONS.) CANTAB BAR-AT-LAW, PRESIDING OFFICER, CENTRAL INDUSTRIAL TRIBUNAL, CHANDIGARH

Complaint No. 2/19 of 1972

Under section 33-A of the Industrial Disputes Act, 1947

Shri Kalia Ram, Chowkidar, T. No. 529-AD,
Ware House Division, B.S.L. Project,
Sundarnagar Complainant.

Vs.

Executive Engineer, Ware House Division,
B. S. L. Project, Sundarnagar Respondent

Appearances :

Shri Mohinder Singh—for the complainant.
Shri Rattan Lal—for the respondent.

AWARD

Shri Kalia Ram, Chowkidar, has filed this complaint and has maintained therein that the Sub-Divisional Officer, Ware House Sub-Division, Baggi, had unjustifiably punished him for alleged gross-misconduct which was beyond his competency, inasmuch as he could award punishment of upto four days' suspension, and that the right of recovery as a measure of punishment was only within the competency of

the appointing authority, i.e. Executive Engineer, as per certified standing orders for non-factory staff.

According to him, penalty of Rs. 1714.90 Paise had been imposed upon him without considering the facts and circumstances of the case, as had been stated in the reply to the show-cause notice and it was not a theft case but was a matter of pilferage, which might have been done by the S.O. or by some body else, and

that the enquiry had been held against principles of natural justice as he (complainant) had not been provided with opportunity to be represented through the union, and

that at the time when the respondent took the impugned action, a dispute vide reference No. 2/C of 1971, was pending before this Tribunal and the respondent had not secured prior permission from the Tribunal to impose penalty, as required under section 33(2)(b), of the Industrial Disputes Act, 1947.

2. On a copy of the complaint having been furnished to the respondent, he put in written statement, in which the following preliminary objections were raised, and on merits he refuted various assertions that had been made by the complainant in his complaint and gave justification for taking the impugned action.

It has also been added therein that there were no necessity for taking permission from the Tribunal before taking the impugned action as the complaint was not connected with the dispute forming subject matter of reference No. 2/C of 1971.

that the deduction of wages was ordered in connection with loss to the Government property, as is provided for under section 7 of the Payment of Wages Act, 1936, and

that the complainant had not exhausted the remedy available to him under the certified standing orders before approaching this Tribunal.

Preliminary objections :

- (1) That the complaint is not maintainable as the deduction of wages from the wages of the complainant were ordered strictly in accordance with the provisions of the Payment of Wages Act, 1936, after giving an opportunity of showing cause against the deduction and this being so, the provisions of section 33 of the Industrial Disputes Act, 1947 are not attracted.
- (2) That the complainant was not punished for any misconduct connected with the dispute and for that reason the complaint in question did not lie.
- (3) That the complainant had not exhausted the remedies available to him under the relevant certified standing orders before coming to the Industrial Tribunal.

3. No written rejoinder was put in by the complainant workman, but he verbally refuted the preliminary objections that had been taken in the reply by the respondent, as well as the contentions of the respondent in respect of merits.

4. On the pleadings of the parties, following issues were framed :—

Preliminary Issues :

- (1) Whether the instant complaint is not maintainable as according to the respondent, Executive Engineer the complainant caused a loss to the property of the employer directly attributable to his neglect, and deduction of wages had been ordered in accordance with the provisions of the Payment of Wages Act, 1936 after providing an opportunity to the complainant to show cause, and there being no contravention of the provisions of section 33 of the Industrial Disputes Act, 1947, inasmuch as the complainant was not punished for any misconduct connected with the dispute?
- (2) Whether the instant complaint does not lie in view of the fact as stated by the respondent Executive Engineer that the complainant had not exhausted

remedies that were available to him under the relevant certified standing orders before approaching the Tribunal?

On merits :

(3) Whether the respondent Executive Engineer was justified in taking the impugned action against the complainant workman during the pendency of reference No. 2/C of 1971 before this Tribunal by imposing a penalty of Rs. 1714.90 Paise for misconduct, thereby contravening the provisions of section 33-A of the Industrial Disputes Act, 1947?

5. Since the parties did not wish to lead any evidence in respect of the preliminary issues, arguments of their authorised representatives were heard.

6. The main ingredients of Section 33 are :—

- (a) that there should be pendency of a dispute;
- (b) that the workman should be an affected workman, i.e. connected with the dispute;
- (c) that the action objected to must be in connection with change in service conditions prejudicial to the workman; and
- (d) that the matter should be connected with the dispute in respect of which reference is pending.

The contention of the respondent Executive Engineer is that the action that had been taken against Shri Kalja Ram under clause 17(a)(iii) of the certified standing orders for non-factory staff, read with section 10 of the Payment of Wages Act, 1936, and that the proper forum for seeking remedy by the complainant was either to approach the Labour Court in respect of wrongful deduction of wages or the Commissioner appointed under section 15 of the Payment of Wages Act, and that the action which had been taken by the respondent was covered by the certified standing orders, wherein remedy had been provided which had not been availed of by the complainant workman.

It is not denied by the parties that the dispute that had been referred for adjudication to this Tribunal in the main reference No. 2/C of 1971, relates to four demands, viz :

- (1) Revision of pay scales of work-charged employees.
- (2) Regularisation of services of work-charged employees.
- (3) Accident and retrenchment compensation to employees drawing more than Rs. 500 per month.
- (4) Introduction of a gratuity scheme.

7. With this back ground, it is to be determined whether the impugned action taken by the respondent Executive Engineer is in any way connected with the above stated items of dispute forming subject matter of reference No. 2/C of 1971, that is pending before this Tribunal.

The punishment inflicted upon the complainant relates to theft of Government property, and it was on that account that the recovery of Rs. 1714.90 Paise had been ordered to be made from his wages after giving him a show cause notice and after holding an enquiry.

Obviously theft of Government money is in no way connected with the items of dispute in reference No. 2/C of 1971.

The authorised representative of the workman has maintained that the complainant was entitled to seek redressal of his grievance from this Tribunal as per provisions of section 33-A. However, there appears no justification for the complainant to take shelter under this section in view of proviso to section 33(2)(b), which reads as under :—

"Provided that no such workman shall be discharged from service, unless he had been paid one month's wages and an application has been made by the employer to the Authority before which the proceedings are pending, for approval of the action taken by the employer."

Section 33(2)(b) reads :—

"For any misconduct, not connected with the dispute, discharge or punish, whether by dismissal or otherwise, the workman"—

Since misconduct in this case relating to theft of Government property committed by the complainant, is not connected with any of the matters of the dispute forming subject

matter of reference No. 2/C of 1971, and the complainant has not been discharged or dismissed, it is held that this Tribunal is not the proper forum and that the remedy of seeking redress of his grievances is under the Payment of wages Act, 1936 and the complaint is not maintainable.

Award is given accordingly.

P. P. R. SAWHNY, Presiding Officer

[No. L. 42012/1/73/LRIII]

S.O. 1735.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Chandigarh in respect of a complaint under section 33A of the said Act filed by Shri Churu Ram which was received by the Central Government on 28th May, 1973

BEFORE SHRI P. P. R. SAWHNY, B.A. (HONS.) CANTAB BAR-AT-LAW, PRESIDING OFFICER, CENTRAL INDUSTRIAL TRIBUNAL, CHANDIGARH

Complaint No. 2/27 of 1972

under section 33-A of the Industrial Disputes Act, 1947
Shri Ghuru Ram, Chowkidar, T. No. 573-A.D.,
C/o B.S.L. Workers Union, Sundernagar. Complainant.

Vs.

Executive Engineer, Ware House Division,
B.S.L. Project, Sundernagar. Respondent.

Appearances :

Shri Mohinder Singh—for the complainant.
Shri Rattan Lal—for the respondent.

AWARD

Shri Churu Ram has filed this complaint alleging contravention of the provisions of section 33-A of the Industrial Disputes Act, 1947 by the respondent Executive Engineer, Ware House Division, B.S.L. Project, Sundernagar as according to him, as punishment of pecuniary loss had been inflicted upon him without securing prior permission from this Tribunal before whom reference No. 2/C of 1971 was pending.

2. The respondent filed reply to the complaint raising the following preliminary objections, and on merits the respondent refuted the contentions of the complainant workman.

Preliminary objections :

- (1) That the complaint is bad in law inasmuch as the conditions of service of the complainant were neither altered nor he was discharged/dismissed during the pendency of the industrial dispute before this Tribunal.
- (2) That the instant complaint did not attract the provisions of section 33-A or 33(b) of the Industrial Disputes Act, 1947, and for that reason also the complaint is not maintainable.

3. The proceedings were thereafter adjourned for filing of rejoinder, but instead of putting in rejoinder, Shri Mohinder Singh, the authorised representative of the complainant, made a statement that the complainant did not wish to pursue the complaint as they had now found out that the Industrial Tribunal was not the appropriate authority to take action in the matter.

4. Having regard to the statement of Shri Mohinder Singh, the authorised representative of the complainant, as reproduced above, the complaint is disposed of, as not having been pursued and withdrawn.

No order as to costs.

P. P. R. SAWHNY, Presiding Officer

[No. L. 42012/1/73/LRIII]

S.O. 1736.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Chandigarh in respect of a complaint under section 33A of the said Act filed by Shri Rup Chand which was received by the Central Government on 28th May, 1973.

BEFORE SHRI P. P. R. SAWHNY, B.A. (HONS.) CANTAB BAR-AT-LAW, PRESIDING OFFICER, CENTRAL INDUSTRIAL TRIBUNAL, CHANDIGARH

Complaint No. 2/34 of 1972

under section 33-A of the Industrial Dispute Act, 1947
Shri Rup Chand, Chowkidar, Token No. 519-AB.
C/o B.S.L. Workers Union (Regd.) Sundernagar.

.... Complainant.

Vs.

Executive Engineer,
Ware House Division,
B.S.L. Project, Sundernagar Township. Respondent.

Appearances :

Shri Mohinder Singh Toggar—for the complainant.
Shri Rattan Lal—for the respondent.

AWARD

Shri Rup Chand, Chowkidar, has filed this complaint alleging contravention of the provisions of section 33-A of the Industrial Disputes Act, 1947 by the respondent, inasmuch as punishment of pecuniary loss had been inflicted upon him which according to him was not within the competency of the Sub Divisional Officer, Store Sub Division, Sundernagar, and that this action had been taken without securing prior permission from this Tribunal before whom reference No. 2/C of 1971 was pending.

2. The respondent filed reply to the complaint raising the following preliminary objections, and on merits the respondent refuted the contentions of the complainant workman.

Preliminary objections :

- (1) That the complaint is bad in law, inasmuch as the conditions of service of the complainant immediately before the commencement of industrial dispute in reference No. 2/C of 1971, were not altered, nor was he discharged/dismissed from service during the pendency of the industrial dispute before the Tribunal.
- (2) That the instant complaint did not attract the provisions of section 33(a) and/or (b) of the Industrial disputes Act, 1947, and for that reason the complaint was not maintainable.

3. The proceedings were thereafter adjourned for filing of rejoinder, but instead of putting in any rejoinder, Shri Mohinder Singh Toggar, the authorised representative of the complainant, made a statement that the complainant did not wish to pursue the complaint as he had now found out that the Industrial Tribunal was not the appropriate authority to take action in the matter.

4. Having regard to the statement made by Shri Mohinder Singh Toggar, the authorised representative of the complainant, as reproduced above, the complaint is disposed of as not having been pursued and withdrawn.

No order as to costs.

P. P. R. SAWHNY, Presiding Officer
[No. L. 42012/1/73/LRIIT]

S.O. 1737.—In pursuance of section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Chandigarh in respect of a complaint under Section 33A of the said Act filed by Shri Karam Chand which was received by the Central Government on 28-5-1973.

BEFORE SHRI P. P. R. SAWHNY, B.A. (HONS.) CANTAB BAR-AT-LAW, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL (CENTRAL) CHANDIGARH

Complaint No. 2/31 of 1972

under section 33A of the Industrial Disputes Act, 1947
Shri Karam Chand, driver, Token No. 341-J,

C/o B. S. L. Workers Union, Sundernagar. **Complainant.**
Vs.

Executive Engineer, Aggregate Production
Division, B.S.L. Project, Sundernagar
Township. **Respondent.**

Appearances :

Shri Mohinder Singh Toggar—for the complainant.
Shri Rattan Lal—for the respondent.

AWARD

Shri Karam Chand has filed this complaint under section 33-A of the Industrial Disputes Act, 1947, and has inter alia stated therein that he had been dismissed from service vide letter No. 2448/11-E/Steno, dated 15-4-72, on mala fide and adverse findings of facts given by the enquiry officers, in the absence of any statement of an eye-witness of the incident without having secured prior permission of this Tribunal before whom reference No. 2/C of 1971, relating to a general dispute, was pending in which he was one of the concerned workmen.

2. The respondent Executive Engineer in the reply to the complaint has maintained that the enquiry officer had carefully considered the charges as also the reply filed by the complainant and there was no mala fide intention, that the enquiry was impartial and there were no extraneous considerations, that this Tribunal had been approached for granting approval to the action taken as required under section 33(2)(b) of the Industrial Disputes Act, 1947, that one month's wages had been paid to the complainant, and that there was no contravention of section 33-A of the Act.

3. In the rejoinder filed to the reply by the respondent executive Engineer, the complainant has more or less reiterated the position taken by him in the complaint and controverted the pleas put forward by the respondent Executive Engineer in his reply.

He has also stated therein that the enquiry officer had given a perverse and untenable finding after making the following observations in his report :

"The only cause of accident is that the Driver made error in judgment and the defective steering for which the vehicle frequently visited the workshop."

which are consistent with the version given by him (the complainant) and also for the reason that there was no eye witness to depose that there was any eye-witness to depose that there was any error of judgment, and that the enquiry officer had ignored principles of natural by allowing the prosecution to produce Shri Sarvan Kumar, Section Officer as a prosecution witness after the enquiry had been closed.

4. On the pleadings of the parties, the following issue was framed :—

Whether there has been any contravention of the provisions of section 33-A of the Industrial Disputes Act, 1947, inasmuch as the complainant has alleged that he had been unjustifiably dismissed from service during the pendency of reference No. 2/C of 1971, without obtaining approval from this Tribunal ?

5. The complainant has examined himself as the solitary witness and the respondent has also examined only his authorised representative, Shri Rattan Lal, as a witness.

The charge-sheet, Ext. C/1, discloses that during the enquiry that had been conducted in respect of the damage caused to the vehicle, it had been found that due to carelessness in driving the vehicle on the wrong side of the road and by taking turn at a fast speed damage had been caused to the vehicle owned by the B. S. L. Project, which was wrong operation of the vehicle as envisaged in item No. XIX of section 17 of the certified standing orders in respect of non-factory staff.

Reply that was filed by the complainant to charge-sheet is Ext. C/2, in which a plea has been taken that the steering got jammed and brakes did not work as a result of which the vehicle struck against the parapet of a bridge, that he was not used to drive that type of vehicle earlier and that this vehicle had been going to the workshop many a times, which facts could be checked from the records.

On the basis of the findings of the enquiry officer, Ext R/2, a show cause notice, Ext. R/4, was served upon the complainant, which has a mention that one of the two charges i.e. driving the vehicle on wrong side of the road had been established. Reply C/3 was put in by the complainant to show cause notice, Ext. R/4 more or less reiterating the stand taken by him in his reply submitted to the charge-sheet.

In this connection it may be stated that there being no eye-witness to the occurrence, the enquiry officer has based his findings on the enquiry committee's report and upon the statements of two witnesses who had been produced by the prosecution, namely, Sarvashri Avtar Singh and I. R. Kohli, S.D.O., who do not claim to have seen the occurrence and have made certain assertions based on some assumptions, which are not borne out from the material that has been placed upon the record.

The complainant has examined himself before the enquiry officer in support of the version given by him in the reply to the charge-sheet as well as to the show cause notice, and also examined Shri Sher Singh, beldar, who was alleged to have been in the truck when the accident took place, as also Shri Prem Nath fitter, and they have both stated that the truck was going at a slow speed at the time when the occurrence took place.

It is true that when an enquiry is held and on the basis of the report of the enquiry officer action is taken, it should not ordinarily be interfered with simply for the reason that an other view could be taken than that taken by the.

However, in the present case an irresistible conclusion seems to be that the enquiry officer's findings are on the face of them perverse and not sustainable and that there has also been violation of principles of natural justice.

So far violation of principles of natural justice is concerned, it may be stated that it has been mentioned by the enquiry officer himself in his report, Ext. R/2, that after both the parties had closed their case and the enquiry had been concluded, on the request of the prosecution, he had allowed them to examine Shri Sarvan Kumar as a witness.

This apart, the prosecution was represented by Shri S. C. Jain S.D.O., throughout the enquiry proceedings, whereas according to the complainant, he was not allowed assistance of any one from the Union's side.

So far as the findings of the enquiry officer being perverse is concerned, statement of Shri I. R. Kohli, who had sent Shri Avtar Singh to the spot of the accident, as well as of Shri Avtar Singh, disclose that the findings of the enquiry officer are not based upon any information imparted by witnesses to the occurrence, inasmuch as Shri Avtar Singh has stated that the accident in his opinion was due to rash driving or some vehicle coming from the opposite direction, and Shri I. R. Kohli has stated that he assumed that the vehicle was going at a fast speed and while taking turn, it struck against parapet of the bridge on the wrong side.

It may be added in this behalf that the enquiry officer in his report, Ext. R/2, has stated that taking into consideration the statements of Sarvashri Sher Singh and Prem Chand, the charge against the driver that he was driving the vehicle at a fast speed was not confirmed, and that the only cause of accident was that the driver made an error in judgment and defective steering, for which the vehicle visited the workshop.

It need hardly be emphasized that the findings of the enquiry officer being based on conjectures and not upon any material worth the name on record, should not have formed basis for the termination of services of the complainant, particularly so when it has been found by the enquiry officer himself that the steering was defective, and on that account the vehicle visited the workshop frequently and the enquiry officer should not have held the complainant was responsible for making an error in judgment and that in all fairness he should have reported that the case was that of simple accident, when no negligence as such had been proved on the part of the complainant, which might have justified taking the impugned action.

So far as the report of the enquiry committee is concerned, the enquiry officer should not have acted upon it as pono of the members of the enquiry committee appeared before him

(the enquiry officer) and made statements and the complainant had in that way been deprived of the opportunity of cross-examining them. Mere placing the report of the enquiry committee before the enquiry officer cannot and should not have been taken as findings against the complainant.

Having regard to what has been stated above, all that has been established before the enquiry officer, and also as per his findings is that the accident took place for which the complainant could not be held responsible—he having not driven the vehicle at a fast speed or having been negligent in any manner and if at all, that there had been bona fide error in judgment on his part.

It need hardly be reiterated that the findings of the enquiry officer are not only perverse, but they are also not based upon any material that may have been placed on record and are in fact based on deposition of the two witnesses that have been produced by the prosecution, namely, Sarvashri Avtar Singh and I. R. Kohli S.D.O., Autoshop, Sundernagar, who are not witnesses to the occurrence.

It is as such held that there was no justification for the respondent, Executive Engineer, to have terminated the services of the complainant.

Apart from this, it may be mentioned that it is common ground between the parties that reference No. 2/C of 1971 was pending at the relevant time in which the complainant is one of the concerned workmen and no prior permission had been taken from this Tribunal before the impugned action was taken. No doubt, Shri Rattan Lal, the authorised representative of the respondent Executive Engineer, has stated that they had applied separately for granting approval, but no such application is traceable from the records.

Under these circumstances, it is held that there has been contravention of provisions of section 33 in terminating the services of the complainant, and the action taken by the respondent is not justified or in order, and that the complainant is entitled to reinstatement with continuity of service and paid full back wages.

No order as to costs.

P. P. R. SAWHNY, Presiding Officer
[No. L. 42012/1/73/LRIII]

S.O. 1738.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Chandigarh in respect of a complaint under section 33A of the said Act filed by Shri Hariman which was received by the Central Government on 28-5-1973.

BEFORE SHRI P. P. R. SAWHNY, B.A. (HONS.) CANTAB
BAR-AT-LAW, PRESIDING OFFICER, CENTRAL
INDUSTRIAL TRIBUNAL, CHANDIGARH

Complaint No. 2/42 of 1972

Under Section 33-A of the Industrial Disputes Act, 1947
Shri Hariman, Beldar, Token No: 225-H, C/o B.S.L.
Workers Union, Sundernagar—Complainant.

Vs.
Executive Engineer, Bharati Tunelling Division, B.S.L.
Project, Sundernagar Township—Respondent.

Appearances :

Shri Mohinder Singh Toggar for the complainant.
Shri Rattan Lal for the respondent.

AWARD

Shri Hariman, beldar, has filed this complaint under section 33-A of the Industrial Disputes Act, 1947, stating therein that his services had been terminated on 10-1-72, without securing permission of this Tribunal before whom reference No. 2/C of 1971 was pending, which was done in contravention of the provisions of section 33-A of the Industrial Disputes Act, 1947.

2. No reply was filed to the complaint by the authorised representative of the respondent Executive Engineer, but instead, the authorised representative of the respondent made

a statement that a decision had been taken to take Shri Hariman back in service and to allow him continuity of service, without payment of wages for the period he remained out of service.

Shri Mohinder Singh, the authorised representative of the complainant, after hearing the statement made by Shri Rattan Lal, the authorised representative of the respondent Executive Engineer, has stated that the complainant did not wish to proceed with the complaint, and that it may be disposed of as having been settled and withdrawn.

3. Having regard to the statements made by the authorised representatives of the parties, reproduced above, the complaint is disposed of as not having been pursued and withdrawn.

P. P. R. SAWHNY, Presiding Officer
[No. L. 42012/1/73/LRIII]

S.O. 1739.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Chandigarh in respect of a complaint under Section 33A of the said Act filed by Shri Jeet Ram which was received by the Central Government on 28-5-1973.

BEFORE SHRI P. P. R. SAWHNY, B.A. (HONS.) CANTAB
BAR-AT-LAW, PRESIDING OFFICER, CENTRAL
INDUSTRIAL TRIBUNAL, CHANDIGARH

Complaint No. 2/16 of 1972

Under Section 33-A of the Industrial Disputes Act, 1947.
Shri Jeet Ram, conductor, Token No: 354-F, C/o
B.S.L. Workers Union, Sundernagar, District Mandi
(H.P.)—Complainant.

VS.
Executive Engineer, B.S.L. Workshop Division, No. 2
Sundornagar, Township, Mandi (H.P.)—Respondent.

Appearances :

Shri Mohinder Singh Toggar for the complainant.
Shri Rattan Lal for the respondent.

AWARD

Jeet Ram, conductor, who was working in the Workshop Division No. 2, Sundernagar, under the respondent Executive Engineer, has filed this complaint under section 33-A of the Industrial Disputes Act, 1947, stating therein that when reference No. 2/C of 1971 was pending since 4-3-1972 before this Tribunal in regard to general disputes with which he was concerned,

the respondent had terminated his services on 24-8-71 of section 33(2)(b) of the Industrial Disputes Act, 1947, and that the respondent Executive Engineer vacated the orders of termination of his services and placed him under suspension with effect from 29-8-71 vide letter No. 6612-17/7E/PF, dated 29-9-71, annexure B and then again terminated his services vide his letter No: 556-60/7E/PF, dated 29-9-71, annexure 'C'.

that this action of the respondent was malafide and unfair and that he be granted interim relief, and allowed to resume duty till the final decision of the complaint.

2. In the reply filed by the respondent Executive Engineer, it has been admitted that the services of the complainant had been terminated on 24-8-71, and that the complaint had filed a complaint and the Tribunal had given award setting aside the order of his termination of services, and it has been added that the award had been complied with and thereafter the respondent had proceeded to take action against the complainant according to the provisions of the Industrial Disputes Act, 1947 for misconduct after completing requirements in respect of work-charged employees, and his services had been terminated vide letter No.

555-60/7E/PF, dated 31-1-72, and that the Tribunal had been approached vide letter No: 546/7-E/PF, dated 31-1-72 for giving approval, after paying one month's wages, and that the complaint be dismissed and approval to terminate the services of the complainant be granted.

3. In the rejoinder the complainant has more or less reiterated the position taken by him in the complaint and generally refuted the pleas raised by the respondent in the reply to the complaint and maintained that the respondent Executive Engineer had not moved any application before the Tribunal for seeking approval of the action taken, and had thereby contravened the provisions of section 33(2) (b) of the Industrial Disputes Act, 1947, once again.

4. On the pleadings of the parties, the following issue was framed :—

Whether the respondent was not justified in terminating the services of Shri Jeet Ram, complainant, with effect from 24-8-71 and whether on that account there had been contravention of the provisions of section 33-A of the Industrial Disputes Act, 1947?

Thereafter the parties were allowed to lead their evidence. The complainant has examined himself as a witness, and also Shri Mohinder Singh, his authorised representative.

The respondent has examined Shri M. M. Sharma, S.D.O., Workshop Division No. 2, enquiry officer, as a witness.

5. It is common ground between the parties that Shri Jeet Ram, complainant, first filed a complaint and an award was given on 22-10-71 by this Tribunal, holding that the complainant be deemed to be in service of the respondent from the date the orders were passed terminating his services, i.e. on 24-8-71, and he was entitled to payment of wages due to him from the aforesaid date, and that in view of the reply filed by the respondent, the complaint had become infructuous, and it was disposed of as such, that since the respondent reserved the right to proceed against the complainant as per provisions of the Industrial Disputes Act, 1947, if considered necessary, it was open to the respondent to take such action in the matter as may be open to him under the law, and that such an action should be taken within a reasonable period so that there may not be unnecessary suspense and harassment to the complainant.

It is also an admitted fact that after this award had been given, again Shri Jeet Ram's services were terminated by the respondent on 31-1-72.

The respondent maintains that this had been done after an application had been filed on 24-8-71 for approval being given to the action taken against the complainant.

No doubt there is an application on the record, dated 31-1-72, from the respondent Executive Engineer for approval being given to the action taken in terminating the services of Shri Jeet Ram, but this application for reasons best known to the applicant Executive Engineer was not pursued. In any case this application is of no consequence as it had been submitted nearly 8 months after the date when the impugned action had been taken and as such there has been contravention of the provisions of section 33(2)(b) of the Industrial Disputes Act, 1947.

Apart from this, no enquiry seems to have been held a second time against Shri Jeet Ram, complainant, before his services were ordered to be terminated on 24-8-71 presumably the action had been taken against on the basis of enquiry held by Shri M. M. Sharma as per proceedings, Ext. R/2.

It may be added that since termination of services of Shri Jeet Ram on the basis of the aforesaid enquiry had been set aside and even in the award given by this Tribunal it had been left open to the respondent to take action against Shri Jeet Ram again, but a fresh enquiry ought to have been held and on its basis appropriate action taken.

Under these circumstances it is unnecessary to go into the question whether the enquiry held by Shri M. M. Sharma was fair or not or that there had been no violation of the

principles of natural justice. In passing it may, however, be mentioned that the complainant has alleged that he had not been allowed to examine some documents and registers which he demanded during the enquiry proceedings, and this fact has been admitted by Shri Sharma that the relevant material was not produced by the respondent on the plea that it was missing. In that way there is some force in the contention of the complainant that the enquiry was not fair and just, and that he had been deprived of a very important provision on which he could have proved his innocence.

It is also to be found from the statement of Shri Jeet Ram that after the award had been given by this Tribunal, the respondent had set aside the orders of termination of his services, and that when he had been working for nearly three months, his services were again terminated without any fresh enquiry having been held.

With this back ground, the order passed by the respondent in terminating the services of Shri Jeet Ram is not sustainable, and it is held that the respondent was not justified in terminating the services of Shri Jeet Ram with effect from 24-8-71, and that there has been contravention of the provisions of section 33 of the Industrial Disputes Act, 1947. That being so, Shri Jeet Ram is entitled to be reinstated with continuity of service and to also pay to him wages for the period of un-employment.

No orders as to costs.

P. P. R. SAWHNY, Presiding Officer,
[No. L. 42012/1/73/LR III]

New Delhi, 7th June, 1973

S.O. 1740.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of Central Government Industrial Tribunal, Calcutta, in the matter of an application under Section 33A of the said Act from Sri Nanu Sen Regd. No. 4992, Baragolai Colliery, Assam which was received by the Central Government on the 31st May, 1973.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Miscellaneous Application No. 10 of 1972 (Arising out of Reference No. 154 of 1966).

Parties :

Sri Nanu Sen, Regd. No. 4992.

Baragolai Colliery,
P. O. Baragolai, Dt. Dibrugarh,
Assam

Applicant.

Vs.

Management of Messrs Assam
Railway & Trading Co. Ltd.,
P. O. Margherita, Dt. Dibrugarh,
Assam

Opp. Party.

Present :

Shri S. N.—Presiding Officer.

Appearance :

On behalf of Applicant—Absent

On behalf of Opp. party—Sri J. K. Ghosh, Advocate,
with Sri S. P. Sen Gupta, Advocate.

State: Assam

Industry : Coal Mine

AWARD

This is an application under Section 33A of the Industrial Disputes Act, arising out of Reference No. 154 of 1966 containing allegations made before this tribunal, filled by one Nanu Sen, Regd. No. 4992, of Baragolai Colliery, against the management of Messrs Assam Railways & Trading Co. Ltd., P. O. Margherita, District Dibrugarh, Assam.

2. The applicant workman complained contravention of Section 33(2) (b) of the Industrial Disputes Act by the management. The management entered appearance and gave its rejoinder to the workman's application under Section 33A of the Industrial Disputes Act. On the prayer of the workman made in the connected case filed by the management under Section 33(2) (b) of the Act against the workman, this case and the sister case referred to above had been fixed for hearing at Camp Gauhati. The notice of the

date of hearing and the venue of hearing had been duly served on the workman applicant in both the cases i.e. the case under Section 33(2) (b) filed by the management against the workman and in the present case filed by the workman against the management under Section 33A of the Industrial Disputes Act.

3. On the date fixed for hearing at Camp Gauhati, the management appeared but none appeared for the applicant workman either in the present case under Section 33A of the I. D. Act or in the other case under Section 33(2) (b) of the Act filed by the management against the workman. When the present case was called on for hearing the management appeared but not the workman. So it is presumed that the allegations made in the application under Section 33A of the Act by the workman against the management are unfounded. Accordingly, there is no dispute on the score of alleged contravention of any provision of Section 33(2) (b) of the Industrial Disputes Act by the management against the applicant Nanu Sen in this present case and the opposite party in the sister case.

In the result, I render a 'no dispute' award in the present case and reject the application under Section 33A of the Industrial Dispute Act, 1947.

This is my award.

S. N. BAGCHI, Presiding Officer
[No. L-19025/17/73-LR II]

S.O. 1741.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, No. 1, Dhanbad, in the industrial dispute between the employers in relation to the management of South Jharia Colliery, Post Office Jharia, District Dhanbad and their workmen, which was received, by the Central Government on the 31st May, 1973.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947.

Reference No. 82 of 1971

Parties:

Employers in relation to the management of South Jharia Colliery, P. O. Jharia, (Dhanbad).
AND

Their Workmen.

Present:

Mr. Justice D. D. Seth (Retd.), Presiding Officer.

Appearances:

For the Old Management—Shri P. K. Bose, Advocate.

For the Bharat Coking Coal Ltd.—Shri S. S. Mukherjee, Advocate.

For the Workmen—Shri G. Prasad, Advocate.

State: Bihar Industry: Coal

Dhanbad, the 22nd May, 1973

AWARD

This is a reference made by the Central Government under section 10(1)(d) of the Industrial Disputes Act, 1947 (14 of 1947), by an order No. I/2012/82/71-LRII dated New Delhi, the 13th December, 1971 in respect of an industrial dispute between the parties mentioned above. The subject matter of the dispute has been specified in the schedule to the said order and runs as follows:—

"Whether the action of the management of South Jharia Colliery, Post Office Jharia, District Dhanbad in stopping from work the workmen noted below from the dates mentioned against their names

is justified? If not, to what relief these workmen are entitled?"

Sl.No.	Name of the Workmen	Designa-tion	Date of stoppage of Work
1	2	3	4
1	Gendo Bhuia	Miner	21-1-1971
2	Dukhan Bhula	-Do-	21-1-1971
3	Maheshi Bhuia	-Do-	21-1-1971
4	Tapan Bhuia	-Do-	21-1-1971
5	Sohan Bhula	-Do-	21-1-1971
6	Kali Bhula	-Do-	21-1-1971
7	Dina Bhuia No 2	-Do-	23-1-1971
8	Bihari Bhuia	-Do-	23-1-1971
9	Banshi Bhuia	-Do-	22-1-1971
10	Nageshwar Bhula	-Do-	22-1-1971
11	Shankar Bhuia No 2	-Do-	23-1-1971
12	Amrit Bhuia	-Do-	23-1-1971
13	Shiban Bhuia	-Do-	20-1-1971
14	Mangar Bhuia	-Do-	22-1-1971
15	Bideshi Bhuia	-Do-	21-1-1971
16	Barhan Bhuia	-Do-	21-1-1971
17	Kedar Bhuia	-Do-	21-1-1971
18	Tejo Bhuia	-Do-	22-1-1971
19	Giridhari Bhuia	-Do-	21-1-1971
20	Hati Bhula	-Do-	21-1-1971
21	Jiban Bhuia	-Do-	20-1-1971
22	Ramtahal Bhuia	-Do-	20-1-1971
23	Ramswaroop Dusadh	-Do-	20-1-1971
24	Tulsi Dusadh	-Do-	20-1-1971
25	Karu Dusadh	-Do-	20-1-1971
26	Munilal Kurmi	-Do-	21-1-1971
27	Pyari Gope	-Do-	21-1-1971
28	Kalu Chamar	-Do-	21-1-1971
29	Baleshwat Bhuia	-Do-	21-1-1971
30	Sanichar Bhuia	-Do-	21-1-1971
31	Kamdeo Bhula	-Do-	21-1-1971
32	Laxman Bhuia	-Do-	21-1-1971
33	Gokul Mahato	-Do-	21-1-1971
34	Indradeo Dusadh	-Do-	21-1-1971
35	Ram Swarup Dusadh No 2	-Do-	21-1-1971
36	Bhulan Bhuia	-Do-	21-1-1971
37	Ranu Bhui	-Do-	22-1-1971
38	Tejo Bhuia No 2	-Do-	23-1-1971
39	Sarjoo Bhula	-Do-	21-1-1971
40	Deo Nandan Bhuia	-Do-	22-1-1971
41	Sanu Bhuia	-Do-	22-1-1971
42	Jagdeo Bhuia	-Do-	22-1-1971
43	Gobind Bhuia	-Do-	21-1-1971
44	Basu Mochi	-Do-	22-1-1971
45	Gangadhar Bauri	-Do-	22-1-1971
46	Rangoor Bhuia	-Do-	21-1-1971
47	Chamari Dusadh	Trammer	19-1-1971
48	Bundi Halwai	-Do-	21-1-1971
49	Chhabli Nath Mochi	-Do-	20-1-1971
50	Jethu Mochi	-Do-	19-1-1971
51	Akloo Sao	-Do-	20-1-1971
52	Barho Dusadh	-Do-	21-1-1971
53	Baldeo Dusadh	-Do-	21-1-1971
54	Budhan Bhuia	-Do-	21-1-1971
55	Baleshwat Bhuia	-Do-	19-1-1971

2. The reference was received by this Tribunal on 16-12-1971 and, thereafter, usual notices were issued to the parties. A notice was also issued to the Custodian since the colliery had been taken over by the Central Government. On behalf of the old employers (herein-after Called the management) a written statement dated 6-3-1972 was received in this Tribunal the same day and was placed on the record. On 24-3-1972 an application was received from Bharat Coking Coal Limited stating that it had no objection to being added as a party in the reference. A month's time was prayed for filing a written statement on behalf of the Bharat Coking Coal Limited. Accordingly Bharat Coking Coal Limited was added as a party to the reference and the time prayed for filing written statement was allowed. On 1-3-1972 a written statement on behalf of the Bharat Coking Coal Limited was received and was placed on the record. A written statement on behalf of the workmen dated 26-8-1972 was received the same day and was placed on the record. On 27-9-1972 five items of documents were filed on behalf of the management and an application was filed for production of documents of Regional Labour Commissioner (C), Dhanbad. Accordingly the record of the Regional Labour Commissioner was summoned. A rejoinder on behalf of the management in reply to the written statement of the workmen was filed on 25-10-1972. On 30-10-1972 a rejoinder on behalf of the workmen in reply to the written statement of the management was received and placed on record. On 16-11-1972 Shri G. Prasad, appearing for the workmen filed certain documents alongwith a list. On 30-12-1972 rejoinder of the workmen in reply to the written statement filed by the Bharat Coking Coal Limited was received by the office of the Tribunal. On 11-1-1973 Shri G. Prasad, appearing for the workmen files 28 items of documents along with the list which were placed on the record. Shri G. Prasad also filed an application for production of certain documents from the Joint Director of Mines Safety, Regional Labour Commissioner (C), Dhanbad and Assistant Secretary, Coal Mines Welfare Commissioner. Accordingly, those documents were called for. On 22-1-1973 Shri G. Prasad, appearing for the workmen filed an application calling for original documents from the office of the Jharia Police Station and also filed an application for summoning Shri A. P. Sinha, Assistant Labour Commissioner to appear before this Tribunal. Accordingly a summon was issued to Shri A. P. Sinha Assistant Labour Commissioner.

3. On 2-4-1973, on perusal of the documents filed on behalf of the workmen Shri P. K. Bose, appearing for the management, did not admit any document while Shri G. Prasad on perusal of the documents filed on behalf of the management admitted only one document which was marked Ext. M 1. The same day Shri A. K. Banerjee, M.W. 1 was examined on behalf of the management and he proved certain documents which were marked Exts. M 2 to Ext. M. 5. An application was filed by the learned representative of the workmen praying for withdrawal of certain documents from Reference No. 57 of 1971 and for being allowed to file those documents in the present reference. Another prayer made by the workmen was that the standing orders of the colliery may also be allowed to be withdrawn from reference No. 57 of 1971. Shri P. K. Bose, thereupon, submitted, that Shri A. K. Banerjee, M.W. 1 must get an opportunity to go through the documents withdrawn from the record of Reference No. 57 of 1971 and, therefore, his cross-examination be fixed for another date. Accordingly 15th May, 1973 was fixed for further cross-examination of M.W. 1 with the consent of the parties. On 15-5-1973 Shri S. S. Mukherjee, Advocate appeared for the Bharat Coking Coal Limited and Shri P. K. Bose, Advocate appeared for the old management but neither the workmen nor any one else appeared on their behalf. I waited for an hour but no intimation was received from the workmen or their representative about their absence. As a last chance I fixed the case for 21-5-1973 on which date Shri A. K. Banerjee, M.W. 1 was further cross-examined and he proved Ext. W 1. On behalf of the workmen Bundi Ram Halwal, W.W. 1 and H. M. Landey, W. W. 2 were examined, cross-examined and were discharged. W.W. 2 proved certain documents which were marked Exts W 2 to W. 4. As there was no time left for arguments the case adjourned for the next day i.e. 22-5-1973.

4. The workmen's case, put briefly, is that the concerned workmen are members of the Krantikary Koyal Mazdoor Sangh which is the recognised union by the management.

The management however, never liked this union since there had been a continuous struggle between the workmen and the management since the inception of this union in regard to several matters such as, non-payment of proper wages, other legal dues and other matters. The management, accordingly, became hostile to the recognised union. On 19-1-1971 an incident took place outside the premises of the colliery. In this incident a member of the staff of colliery, whose name was revealed in the course of evidence as Babulal Gope, Provident Fund Clerk was assaulted by some unknown persons on his way to the market and this incident was utilised by the management to get rid of this union and other workmen implicated in this case and also to get them harassed by the police authorities. Also taking advantage of the incident of Babulal Gope the management stopped the concerned workmen from their duties between 19-1-1971 and 23-1-1971. New workmen from amongst the contractor's workmen were recruited immediately by the management. The concerned workmen were neither charge-sheeted nor were they suspended for their misconduct and they have been sitting idle since they were stopped from working. According to the workmen the management did not allow the workmen to resume work in the colliery and this action of the management was not justified and amounted to victimisation and unfair labour practice. It is stated in paragraph 4 of the workmen's written statement that the action of the management in stopping the concerned workmen from their work was illegal, unjustified and arbitrary. It also transpired during the evidence that the union raised an industrial dispute before the Assistant Labour Commissioner (C), Dhanbad and conciliation proceedings were started but no conciliation could take place.

5. The case of the management, on the other hand, is that the present matter is not an industrial dispute and, as such, is outside the scope of the Industrial Disputes Act, 1947. It is also stated that the reference is bad in law and that neither the workmen themselves nor the union sponsoring their case ever raised any dispute with the management of the colliery about the matter which is the subject matter of the reference. In paragraph 5 of the management's written statement it is stated that the management came to know about the matter only when it received a letter dated 6-2-71 from the Assistant Labour Commissioner (C), Dhanbad. In which a copy of the representation made by the workmen before that officer was enclosed. It is further the case of the management that at the relevant period of time there were about 400 workmen working in the concerned colliery and that there were two rival unions of the workmen in the colliery and they were fighting with each other for ousting the rival. On 19-1-1971 a clerk of the colliery was assaulted on the road leading to the colliery and acid was thrown on his face-destroying both the eyes and on account of this incident there were great tension between the two groups of workers and the police authorities arrested a number of workmen in the afternoon of 20-1-1971. All the arrested workmen belonging to a particular union. According to the management the concerned workmen absented themselves from their respective duties without leave or without any intimation on various dates beginning from 19-1-1971 and the management posted a general notice dated 1-2-71 on the Notice Board giving the names and designations of all the 55 workmen concerned and asked them to report for their respective duties immediately along with an explanation in writing regarding the cause of their unauthorised absence from their duties. None of the concerned workmen however either reported for duty or submitted any explanation to the management. The management did not start departmental proceedings for misconduct and breach of contract against the concerned workmen on account of the pendency of the conciliation proceedings. The management's further case is that it never stopped the concerned workmen from performing their duties and that the concerned workmen themselves absented from their work and hence the present matter is a case of abandonment of their work by the workmen themselves. It is stated in paragraph 9 of the management's written statement that the union which sponsored the cause of the concerned workmen was a recognised union by the colliery and, as such, the management could not have any malice against the activities of the union or against its members.

6. The management contended that the concerned workmen were victims of trade union rivalry between the two unions of the colliery for which the management could not be penalised.

7. In its written statement the Bharat Coking Coal Limited has stated that there did not exist any relationship of employer and employees between the Bharat Coking Coal Limited and the concerned workmen at the relevant time and hence there was no Industrial dispute between the Bharat Coking Coal Limited and the concerned workmen and, as such, no award can be passed against the Bharat Coking Coal Limited which is in no way liable or responsible for any act of the past management prior to the date of taking over of the colliery under the provisions of Coking Coal Mines (Nationalisation) Act, 1972. The Bharat Coking Coal Limited, apart from making these legal submissions adopted the written statement filed by the outgoing employers on merits.

8. In its rejoinder to the written statement on behalf of the workmen the management reiterated that the concerned workmen had absented themselves from their duties and the management never stopped them as alleged by the workmen. All other statements made in their original written statements were reiterated by the management in its rejoinder.

9. In its rejoinder to the Written statement of the management the workmen also reiterated their statements made in their original written statement and denied that the concerned workmen themselves abandoned their work and did not report for their duties. They also denied that the stoppage of work by the concerned workmen was due to the rivalry of the two unions in the colliery. According to them the concerned workmen were illegally and arbitrarily stopped from work by the management without any justification or just cause. According to the workmen under paragraph 18(n) of the certified standing orders of the colliery, as applicable to the management and the concerned workmen, continuous absence without permission and without satisfactory cause for more than 10 days amounts to misconduct, and an elaborate procedure is laid down in the standing orders for taking disciplinary action. The workmen also denied that they were ever asked to submit any explanation for their absence by the management. They also denied that they did not report for duty and further that any notice was affixed on the Notice Board or near the main entrance of the Head Office of the colliery. According to them the addresses of the concerned workmen were known to the management as they were contained in the statutory 'B' form register and other statutory registers and the management was bound, under the standing orders, to issue charge-sheets to the workmen, calling for their explanation, make an enquiry after giving reasonable notice but the management did not proceed at all under the standing orders of the colliery and hence the dismissal of the concerned workmen was illegal, unjustified and against the principles of natural justice.

10. The standing orders of the colliery are in the record of the Assistant Labour Commissioner (C), Dhanbad.

11. The preliminary objection of Shri P. K. Bose, Advocate appearing for the management is that the present matter is not an industrial dispute as neither the workmen nor the union sponsoring their cause ever raised any dispute with the management which is in issue in the present reference and hence the reference is without jurisdiction and is bad in law. In this connection Shri P.K. Bose, examined Shri A. K. Banerjee, (M.W. 1), Agent of the colliery from 1956 till 1971 i.e. till the taking over of the colliery by the Government. Shri Banerjee stated that there were two trade unions in the colliery and that out of the two Krantikary Koyal Mazdoor Sangh was the recognised union. According to him that union did not raise any dispute with the management at any time. The witness denied that the management had set up a rival union against the Krantikary Koyal Mazdoor Sangh. The witness deposed about the incident of Shri Babulal Gope, Provident Fund Clerk on 19-1-1971 and stated that there was great quarrel between the two unions about the incident as a result of which the police authorities arrested some workmen. The witness further stated that he, on behalf of the management, had not authorised anybody to lodge a F.I.R. about the incident of Babulal Gope with the police. According to Shri Banerjee, large number of workmen absented themselves from the colliery after the incident and the witness (MW 1) issued notice dated 1-2-1972 which bears his signature. This notice was issued against the 89 workmen and was posted on the Notice Board. Those 89 workmen named in the notice

included the names of the concerned 55 workmen. This notice was proved by M.W. 1 and was marked Ext. M. 2. According to Shri A. K. Banerjee, by this notice, the management had asked the workmen to report for their respective duties. Ext. M 2 was exhibited on the Notice Board. Shri Banerjee, M.W. 1 further stated that between the date of incident i.e. 19-1-71 and 17-10-1971 when the colliery was taken over by the Central Government the concerned workmen did not approach him regarding any dispute and neither of the two unions in the colliery had raised any dispute. The witness denied that the management had stopped the workmen from working.

12. In cross-examination the witness stated that the incident to Shri Babulal Gope took place outside the premises of the colliery and that the colliery management did not file any report regarding the incident with the police authorities. The witness was not present at the time and place of occurrence when Babulal Gope was assaulted. The incident to Babulal Gope took place sometime in the evening at 8.0'Clock. The witness stated that he did not know the name of the person who had lodged the F.I.R. on 19-1-1971. He also did not know if the F.I.R. was lodged by Shri Sarveet Singh who was the Personnel Officer in the colliery on 19-1-1971. The witness admitted that there were standing orders in the colliery but did not remember if he issued any chargesheets to the concerned workmen who absented themselves from their duties and also did not call for any explanation from the workmen for their absence. The witness deposed that he only posted the notice on the Notice Board in which the workmen were requested to join their duties but they did not join. The witness admitted that he did not send copies of that notice to the individual workmen at their home addresses although statutory B form register was maintained in the colliery and in that register addresses of all workmen were mentioned but the witness did not go through the register. The witness admitted that according to paragraph 18(n) of the standing orders of the colliery if the workmen absented themselves from their duties continuously for more than 10 days without permission that would have amounted to misconduct. The witness also admitted that conciliation proceedings were started by the conciliation officer in regard to the dispute of the present concerned workmen in this reference. Witness was shown a letter dated 22-2-1971 and stated that this letter which was in the file of the Regional Labour Commissioner was written by the witness and bore his signature. This letter was marked Ext. W 1.

13. At this stage it is pertinent to observe that the witness did not speak of any letters of dismissal which were issued to the workmen till the date of his deposition before the Tribunal.

14. On behalf of the workmen two witnesses were examined. W.W. 1 is Bundi Ram Halwai. He stated that he had been working in the colliery since 1959 but he is not working at present. He used to do the work of a trammer. He is a member of the Krantikary Koyalala Mazdoor Sangh, having become its member in 1967 and is still a member of that union. Bundi Ram deposed that on 21-1-1971 he went to the colliery to report for his duty and had gone to the attendance clerk who told him that there was no work for him. Along with Bundi Ram several other workmen had gone to the attendance clerk at the same time and all these workmen were stopped from working. Thereafter, Bundi Ram and the other workmen went to the Manager of the colliery who told them that since they were members of the red flag union, there was no work for them. Thereafter Bundi Ram and other workmen went to the office of the union and approached Shri H.M. Landey the Secretary of the union. Shri Bundi Ram stated that he again went to the colliery for work and continued to do so for 15 days but his attendance was not recorded. All the other 54 workmen also went for work for 15 days. The witness denied that he saw any notice on the notice board in the colliery and stated that the Manager of the colliery had not served any charge-sheet on him or had not served any document terminating his services in the colliery. He also denied that he and other workmen themselves stopped going to their work and deposed that, at present, he is sitting idle. Bundi Ram admitted that there are two unions in the colliery. The second union of which he was not a member belonged to I.N.T.U.C. The witness stated that he is still ready to go to the colliery for work and he further stated that the Manager of the colliery did not pay him his dues, although

he had gone to the manager to collect his dues. In cross-examination by Shri P. K. Bose Shri Bundi Ram stated that he lived in the colliery premises in one of the quarters and he continued to stay in the quarter for one year after he had been stopped from work and thereafter he left the quarter. He lived for one year without work on his savings and by selling the ornament of his wife. The witness admitted that he could not read English and also admitted that he would be able to read a document in Hindi. He reiterated that he and other workmen had been stopped from work in the colliery with effect from 19-1-1971. The witness admitted that he has got a receipt of the payment of his subscription of the Krantikary Koyalala Mazdoor Sangh at his house but he has not brought it before this Tribunal. The witness denied that he knew as to which party was concerned in the incident to Babulal Gope. The witness did not remember that he was a member of I.N.T.U.C union organised by Shri Janki Singh between 1963 to 1967. He also denied that there was dispute between the two unions in the colliery in 1967 or thereafter. He further denied that the incident to Babulal Gope took place as a result of rivalry of the two unions but admitted that the persons who had been arrested by the Police Authorities after the incident to Babulal Gope belonged to the union of which the witness was a member.

15. Shri H.M. Landey is W.W. 2. He is the Secretary of Krantikary Koyalala Mazdoor Sangh. He named the different collieries in which his union is functioning. The witness had been the Secretary of the Krantikary Koyalala Mazdoor Sangh since 1968 and stated that there were about 300 to 400 workmen working in the concerned colliery who were members of his union. Whenever there was any dispute between his union and the management he used to look after the correspondence. The witness stated that all the 55 concerned workmen in this reference, after they had been stopped from work, had approached him and thereafter the witness had a telephonic conversation with the Manager of the colliery who told the witness that he had received orders from the Proprietors of the colliery not to allow the workmen to work. The witness was shown a letter which he wrote to the Manager about the stoppage of work of the concerned workmen and stated that a true copy of this letter was filed before the Tribunal sometime ago. This letter was marked Ext. W 2. Shri Landey further stated that he wrote to the Conciliation Officer regarding the industrial dispute between the management and the union and that letter was dated 27-1-1971. That document is also on the record of the Regional Labour Commissioner. That document was marked Ext. W 3. According to the witness, during the pendency of the conciliation proceedings he had no talk with the management in regard to the present dispute. The letter which the witness had sent to the Manager of the colliery had been sent on a Peon Book. The witness proved the Peon Book which was marked Ext. W 4. Shri Landey also stated that the relations of his union with the management were not very cordial because there had been several settlements between the union and the management but the management had not implemented these settlements and further the Proprietors of the colliery did not use to pay the workmen according to the Wage Board Recommendations. The witness described the assault on Babulal Gope and stated that this assault did not take place as a result of rivalry between the two unions in the colliery. According to the witness, although his name was implicated in the incident to Babulal Gope, but no criminal case was started against him. The witness stated that the workmen did not report to him that they had been served with the charge-sheets by the management. Babulal Gope was not a member of the union of the witness. After the workmen had been stopped from working the witness had no discussions either with the Agent or the Proprietors of the colliery. The witness stated that there is a Code of Discipline applicable to the Coal Mining Industry and admitted that he had not reported about the stoppage of work of the 55 concerned workmen to the Board of Code of Discipline. Shri Landey further deposed that some employees of the colliery were arrested after the incident to Babulal Gope but they were subsequently released on bail, and admitted that all the arrested persons were members of his union. The witness denied that there were frequent clashes between his union and the other union in the colliery and also denied that several workmen left the colliery themselves on account of a clash between the two rival unions as a result of the incident to Babulal Gope. He reiterated that it was the management who stopped the 55 workmen concerned in this reference from their work and

that the stoppage of work was not due to the reason that the workmen themselves had abandoned their work for fear of being assaulted by the rival union.

16. I have heard the learned representatives of the parties. Shri P. K. Bose, appearing for the management, did not press the preliminary objections raised in the written statement of the management that the present matter is not an industrial dispute as neither the workmen nor the union sponsoring their case ever raised any dispute with the management which is in issue in the present reference and hence the reference is without jurisdiction and is bad in law. Consequently it is not necessary to discuss that point.

17. Shri P. K. Bose merely pointed out certain discrepancies in the deposition of Bundi Ram Halwai, W.W.1 and submitted that his testimony cannot be believed. Shri P. K. Bose submitted that Bundi Ram Halwai, W.W.1 should have approached the Proprietors of the colliery when the Manager had stopped him and other 54 concerned workmen from working in the colliery specially when he deposed that the Proprietors visited the colliery every two or three months. Shri P. K. Bose further contended that the assertion of W.W.1 that the Manager of the colliery had stopped him and other workmen from working is not mentioned in the statement of the case which the workmen submitted before the Conciliation Authorities. I have given careful thought to the submissions made by Shri P. K. Bose but, in my opinion, the discrepancies pointed out by him in the testimony of Bundi Ram Halwai, W.W.1 are not fatal to the case of the workmen. It must be remembered that Bundi Ram Halwai, W.W.1 was making a statement before the Tribunal almost after 2 1/2 years of the incident to Babulal Gope and he could not be expected to be very exact.

18. Shri P. K. Bose next submitted that the standing orders of the colliery are not mandatory in nature and it was not necessary for the colliery authorities to have sent individual notices to all the 55 workmen concerned asking them to report for their work. According to Shri P. K. Bose the management had no ulterior motive to penalise the concerned workmen specially when their union was recognised by the colliery. There is no force in this contention. It has been admitted by Shri A. K. Banerjee, M.W.1 that according to the standing orders of the colliery, if the workmen absented themselves for more than 10 days it would amount to misconduct and he further admitted that the management did not follow the procedure prescribed in paragraph 18 of the standing orders and that no charge-sheets were issued to the workmen and no explanations were called for from the workmen for their absence without intimation to the authorities. I have gone through the standing orders and I find that there is no provision in the standing orders for displaying a notice on the Notice Board as stated by Shri A. K. Banerjee, M.W.1. Shri A. K. Banerjee, M.W.1 has admitted that statutory form 'B' register is maintained in the colliery which contains the names and addresses and other particulars of all the concerned workmen. It has also been admitted that no letters of dismissal were issued to the workmen till the date of the deposition by Shri A. K. Banerjee.

19. Shri Bundi Ram Halwai, W.W.1 is one of the concerned workmen. There is no reason for me to disbelieve his testimony that he had approached the Manager of the colliery for work after the incident to Babulal Gope but his attendance was not recorded by the Attendance Clerk. Bundi Ram Halwai, W.W.1 knows only Hindi and it is too much to expect that he would approach the Proprietors of the colliery after the Manager had told him that he would not be given work in the colliery. He denied that he and other workmen had stopped going to work voluntarily.

20. The testimony of Bundi Ram Halwai, W.W.1 has been corroborated by Shri H. M. Landey, W.W.2, Secretary of the Krantikary Koyal Mazdoor Sangh.

21. The next contention of Shri P. K. Bose is that the concerned workmen themselves stopped doing their work in the colliery with effect from 19-1-71 and the management was not responsible for the stoppage of work. It was contended by Shri Bose that if that had been the fact an issue should have been raised by the workmen before the Board of the Code of Discipline. It was contended by Shri Bose that the workmen absented themselves without obtaining leave from the management or without giving any intimation to it. It is difficult to imagine that in these hard days of unemployment a large number of workmen would have absented themselves from their respective work in the colliery without any reason. Ac-

cording to the management the concerned workmen absented themselves from their duties between 19-1-71 and 23-1-71 and a notice is said to have been posted by the management on the Notice Board on 1-2-71 i.e. more than 10 days after the date of the absence of the workmen. Paragraph 18 of the standing orders deals with disciplinary action for misconduct and states that a workman may be suspended or fined or his increment may be stopped, or he may be demoted or dismissed without notice, if he is found guilty of misconduct and sub-paragraph (a) of paragraph 18 says that continuous absence without permission and without satisfactory cause for more than ten days would be a misconduct. Even we assume that the workmen themselves absented from their work without intimation to the management no disciplinary action seems to have been taken against them as has been clearly admitted by Shri A. K. Banerjee, M. W. 1 No charge-sheets were served on the workmen who are said to have stopped work and no explanation was asked for from them. There is no provision in the standing orders of the colliery for posting a notice on the Notice Board as stated by M.W.1. If the workmen had themselves stopped from work, notices ought to have been issued to them and they should have been chargesheeted and a domestic enquiry should have been held. Addressees of all the workmen were known to the management because statutory from 'B' register is admittedly maintained in the colliery but nothing of the kind was done. If the workmen had really absented themselves without having obtained leave or without having any intimation to the management, even though the conciliation proceedings were going on, the management could have taken action against the workmen under section 33 of the Industrial Disputes Act with the express permission in writing of the authority before which the proceedings were pending.

22. It is not the case of the management, as it is not stated in its written statement that any one of the concerned workmen assaulted Shri Babulal Gope on 19-1-71. It has also been stated by M.W. 1 that the matter was not reported to the Police authorities by the management. We, however, find from a certified copy of the First Information Report which is dated 19-1-71 that a complaint was lodged with the Police Authorities with regard to the incident on 19-1-71 by Shri Sarvajeet Singh, Labour Officer of the colliery. The First Information Report also contains names of some accused persons. The existence of the First Information Report lodged in respect of the incident which took place outside the colliery on 19-1-1971 was denied by M.W.1. It is therefore not possible to place reliance on his statement. The case of the management is that the workmen themselves stopped working in the colliery with effect from 20-1-71. If the workmen had really absented themselves from work, there are provisions in the standing orders of the colliery under which action could have been taken against the workmen by the management. It has been admitted by M.W.1 that neither any chargesheet nor any letter was issued to the workmen regarding the stoppage of their work. According to the Supreme Court's decision in Workmen Employed in B & C Mills, Madras and Management of B & C Mills, Madras, 1969 (19) F.L.R. P. 253, standing orders are part of statutory terms and condition of service between employer and employees and they govern the relation between the parties.

23. Shri P. K. Bose contended that the present case is a case of abandonment of work by the workmen themselves and not stoppage of work by the authorities of the colliery. There is no force in this contention also. If the workmen in the present reference had gone on leave and had been absent from 8 consecutive days without leave there could be possibly a case of abandonment of employment as per the decision of the Supreme Court in Buckingham & Carnatic Co. Ltd., and Venkatiah and another reported in (1950-67) I.S.C.L.T P. 6. In the instant case the workmen had not proceeded on leave and had not absented themselves for more than 8 days. The present dispute before me is, therefore, clearly a case of stoppage of work by the management and is not a case of abandonment of work by the workmen. Shri P. K. Bose, in support of his contention, placed reliance on a decision of the Calcutta High Court in Bhaskar Mukherjee and another versus Nilmoni Nath, (1962-63) 23 F.J.R. P. 158 in which it was held as follows:—

"If a servant wilfully absents himself from duty for a long period without giving notice to the employer, he cannot get his pay for the period of absence especially if the absence is referable to some act of disobedience. Such abstention from duty will operate

as voluntary termination of service by the employee and no formal order of discharge on the part of the employer would be necessary".

In view of my findings above the decision of the learned Single Judge of the Calcutta High Court relief upon by Shri P. K. Bose is not applicable to the facts of the instant case. Here the concerned workmen did not wilfully absent themselves from duty for a long period without giving notice to the management. As has already been stated above, according to paragraph 18 of the standing orders of the colliery if the workmen had absented themselves from work without leave or intimation to the management their conduct would be a misconduct for which suitable action could be taken by the management.

24. For the reasons mentioned above I hold that the workmen did not absent themselves from work but were stopped from working by the management and such action of the management was malafide since no disciplinary action was taken against the workmen by the management which could have been taken under paragraph 18 of the standing orders of the colliery. Action could also have been taken with the permission of the Conciliation Authorities under section 33 of the Industrial Disputes Act. Since no registered notices or notices even by ordinary post were sent to the concerned workmen individually asking them to report for their work, the conduct of the management must be held to be malafide (See decision of the Supreme Court in Tata Oil Mills Co. Ltd., and their workmen 1966 (13) F.L.R. P. 65).

25. For the reasons mentioned above it must be held that the action of the management in stopping the concerned workmen from their respective work with effect from the dates mentioned against their names in the schedule was not justified and the workmen must be deemed to have been in continuous service of the colliery till the right, title and interest of the owners of the colliery vested absolutely in the Central Government under section 4 of the Coking Coal Mines (Nationalisation) Act, 1972 with effect from 1-5-1972.

26. Now I come to the question of relief. Since the right, title and interest of the old management of the colliery ceased to exist with effect from 1-5-1972 and vested in the Central Government and since the workmen have been held to have continued in their service, it is only the Bharat Coking Coal Ltd., which can reinstate them in service.

27. Shri S. S. Mukherjee, appearing for Bharat Coking Coal Ltd., contended that on the date the industrial dispute is said to have arisen, there was no relationship of employer and employees between the Bharat Coking Coal Ltd., and the workmen and hence the Bharat Coking Coal Ltd., are not concerned with the dispute. Shri Mukherjee drew my attention to section 9 of the Coking Coal Mines (Nationalisation) Act, 1972, the relevant portion of which runs as follows:—

"9(1) Every liability of the owner, agent, manager, or managing contractor of a coking coal mine or coke oven plant, in relation to any period prior to the appointed day, shall be the liability of such owner, agent, manager or managing contractor, as the case may be, and shall be enforceable against him and not against the Central Government or the Government Company.

(a)

(b) no award, decree or order of any court, tribunal or other authority in relation to any coking coal mine or coke oven plant passed after the appointed day, but in relation to any matter, claim or dispute which arose before that day, shall be enforceable against the Central Government or the Government Company;

(c) no liability for the contravention of any provision of law for the time being in force, made before the appointed day, shall be enforceable against the Central Government or the Government Company".

28. It may be noted that there is no provision in section 9 quoted above against making of an award.

29. The Bharat Coking Coal Ltd., being the successor in interest of the South Jharia Colliery, on the principle laid down by the Supreme Court in Bihar State Road Transport Corporation and State of Bihar and another (reported in 1970 (II) L.L.J. P.138) necessary direction for reinstatement and payment of back wages shall have to be passed against the Bharat Coking Coal Ltd.. The facts of the case before the Supreme Court just cited above were as follows: "The Government of Bihar was conducting through one of its departments, called the Rajya Transport Authority, an undertaking of road transport in the State. The concerned workman was appointed on 27-7-56 by the said authority. On April 20, 1959, the State Government set up as from May, 1, 1959 a Corporation known as Bihar State Road Transport Corporation to exercise all the powers and perform all the functions which were till then being exercised and performed by the Rajya Transport Authority. The said authority passed an order dated February 8, 1959 terminating the services of the concerned workman. An industrial dispute having been raised, it was referred to the Labour Court by an order dated February 24, 1961, impleading the Corporation as one of the parties to the reference. The Labour Court held that the order of dismissal was not justified and concluded that the concerned workman was deemed to have continued in the service of Rajya Transport and thereafter of the Corporation as the successor in title of the Rajya Transport and, on this basis, directed the Corporation to reinstate the concerned workman in his service and pay compensation from February to September, 1959. The Corporation, thereupon, filed an application under Article 226 of the constitution before the Patna High Court contending inter-alia, that the services of the concerned workman, having been terminated before the Corporation was not set up, his remedy lay against the Rajya Transport and not against the Corporation. The Writ petition was rejected by the Patna High Court. On appeal the Supreme Court substantially upheld the decision of the Labour Court. The Supreme Court treated the Corporation as the successor in interest of the Rajya Transport authority and held that the concerned workmen, in the absence of any valid termination of his service, continued to be in the service of the Corporation since May 1, 1969 and that therefore, the Corporation was bound to pay his wages with all emoluments from May 1, 1959. The Supreme Court further held that for the period from February to April 1959 the Rajya Transport Authority was liable to pay his wages and other emoluments, but the Corporation as successor-in-interest of the said authority became liable to pay wages for the period from February to April, 1959 and not from February to September, 1959 as directed by the Labour Court.

30. Shri S. S. Mukherjee tried to distinguish the case of Bihar State Road Transport by contending that in that case Rajya Transport and the Corporation set up by the Bihar Government were the limbs of the same authority and hence that decision is distinguishable. I am afraid, I cannot agree to this contention. The principle of law laid down by the Supreme Court in the case of Bihar State Road Transport Corporation is fully applicable in the instant case. The right, title and interest of South Jharia Colliery have vested in the Bharat Coking Coal Ltd., with effect from 1st May, 1972 by virtue of section 4 of the Coking Coal Mines (Nationalisation) Act, 1972. Section 17(1) of the said Act lays down that every person who is a workman within the meaning of the Industrial Disputes Act, 1947, and has been, immediately before the 1st of May, 1972 in the employment of a coking coal mine shall become on and from the appointed day an employee of the Government company. In the present case, Bharat Coking Coal Ltd., in which the right, title and interest of the colliery have vested and the workmen shall hold service in the mine on the same terms and conditions and with the same rights to pension, gratuity, and other matters as would have been admissible to them if the rights in respect of such a mine had not vested in the Government company. As it has been found by me that the workmen had been stopped from working in the colliery illegally by the old management, the concerned workmen continued and still continue to be in service of Bharat Coking Coal Ltd., since 1st May, 1972 and, therefore, the Bharat Coking Coal Ltd., is bound to pay their wages including all the emoluments to which they are entitled as from 1-5-72. For the period from the date of stoppage of work i.e. 19-1-71 to 23-1-71 till 30-4-72, South Jharia Colliery are liable to pay the wages of the workmen and other emoluments to which

they are entitled. The Bharat Coking Coal Ltd., as successor in interest of the said colliery also became liable to pay the said wages from 20-1-71 to 30-4-72 vide 1970 (II) L.L.J. P. 138.

31. I accordingly make the following award:—

The action of the management of South Jharia Colliery, Post Office Jharia, District Dhanbad, in stopping from work the concerned 55 workmen with effect from the dates mentioned against their names was not justified. The said workmen are to be reinstated with continuity of service by the management for the time being i.e. by the Bharat Coking Coal Ltd., and the said company shall be liable to pay their wages and other emoluments with effect from 1-5-72. The concerned workmen are also entitled to get their back wages from 19-1-71 till 30-4-72 and the South Jharia Colliery and Bharat Coking Coal Ltd., are jointly and severally liable to pay the same to the workmen concerned.

32. Let a copy of this award be forwarded to the Central Government under section 15 of the Industrial Disputes Act, 1947.

D. D. SETH, Preslding Officer
(No.L-2012/82/71-LRII)

आदेश

का० आ० १७४२ यत. व्यास बाध प्रायोजना, तलवाड़ा से संबंधित नियोजकों और कर्मकारों के बीच, जिनका प्रतिनिधित्व श्रमिक यूनियन, व्यास बाध प्रायोजना, तलवाड़ा कस्ता जिला होशियारखुर करती है, एक श्रौद्धोगिक विवाद विद्यमान है;

ओर यत. उक्त नियोजकों और कर्मकारों ने श्रौद्धोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10-क की उपधारा (1) के उपबंधों के अनुसरण में एक लिखित करार द्वारा उक्त विवाद को उसमें वर्णित व्यक्ति के माध्यस्थम् के लिए निवेशित करने का करार कर लिया है और उक्त माध्यस्थम् करार की एक प्रति केन्द्रीय सरकार को भेजी गई है;

अतः, अब, उक्त अधिनियम की धारा 10-क की उपधारा (3) के उपबंधों के अनुसरण में, केन्द्रीय सरकार उक्त माध्यस्थम् करार को, जो उसे 28 मई, 1973 को दिला था, प्रदद्वारा प्रकाशित करती है।

(करार)

(श्रौद्धोगिक विवाद अधिनियम, 1947 की धारा 10-क के अधीन)

के बीच

पक्षकारों के नाम

नियोजकों का प्रतिनिधित्व करने वाले श्री सरदारी लाल, पी० एस० ई०, प्राई० कार्यकारी इंजीनियर—कार्मिक, व्यास बाध प्रायोजना, तलवाड़ा।

कर्मगारों का प्रतिनिधित्व करने वाले

श्री बीलत मिह चौहान, महा सचिव, श्रमिक यूनियन, व्यास बाध, तलवाड़ा कस्ता।

पक्षकारों के बीच निम्नलिखित श्रौद्धोगिक विवाद को श्री एस० एन भोहती, सहायक थमायुक्त (केन्द्रीय), नई दिल्ली के माध्यस्थम् के लिए एनद्वारा निश्चित करने का करार किया गया है;

1 विवादित विवाद प्रस्त विषय

क्या व्यास बाध प्रायोजना, तलवाड़ा जिला होशियारखुर में अभिन्नमत सेवा में नियोजित कर्मकार निषुल्क “बदियाँ दिये जाने के हकदार हैं? यदि हाँ तो किस पैमाने पर श्रौद्धोगिक तारीख से?”

(2) विवाद के पक्षकारों का विवरण 1. व्यास बाध प्रायोजना तलवाड़ा जिसमें अंतर्वित स्थापन या कस्ता, जिला होशियारखुर उपक्रम का नाम और पता भी सम्मिलित है।

(3) यदि कोई संघ प्रश्नगत कर्मकारों का प्रतिनिधित्व करता हो तो उसका नाम अभिन्न यूनियन व्यास बाध प्रायोजना तलवाड़ा कस्ता जिला होशियारखुर पुर

(4) प्रभावित उपक्रम में नियोजित 16,000 (अर्थि शमन सेवा में कर्मकारों की कुल संख्या प्रायोजना में केवल 35 कर्मकार नियोजित है)।

(5) विवाद द्वारा प्रभावित या 35 भव्याव्यतः प्रभावित होने वाले कर्मकारों की प्राक्कलित संख्या।

(हम यह करार भी करते हैं कि माध्यस्थ का विनिश्चय हम पर आवश्यक होगा। माध्यस्थ अपना पंचाट तीन मास की कालावधि या इतने प्रीतर समय के भीतर जो हमारे बीच पारस्परिक करार लिखित द्वारा बढ़ावा जाय देगा। यदि पूर्व वर्णित कालावधि के भीतर पंचाट नहीं दिया जाता तो माध्यस्थम् के लिए निवेश स्वतः रह हो जायगा प्रीतर हम नए माध्यस्थम् के लिए बातचीत करने को स्वतंत्र होंगे।)

पक्षकारों के हस्ताक्षर

नियोजकों का प्रतिनिधित्व करने वाले हः/-सरदारी लाल, कार्यकारी इंजीनियर, कार्मिक, व्यास बाध प्रायोजना, तलवाड़ा
कर्मकारों का प्रतिनिधित्व करने वाले हः-दौलत सिंह चौहान, 2-5-73
महा सचिव, श्रमिक यूनियन, व्यास बाध प्रायोजना, तलवाड़ा कस्ता।

साक्षी

1. हृ-कुलदीप सिंह, कार्मिक अधिकारी, व्यास बाध प्रायोजना, तलवाड़ा कस्ता।

2. हृ-किरण सोनी।

(संख्या एल-42012-207-2 एल० पार०-iii)

ORDER

S O 1742 :—Whereas an industrial dispute exists between the employers in relation to Beas Dam Project, Talwara and its workmen represented by Workers Union, Beas Dam Project, Talwara Township, District Hoshiarpur

And, whereas the said employers and workmen have, by a written agreement, in pursuance of the provisions of sub-section (1) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), agreed to refer the said dispute to arbitration by the person specified therein, and a copy of the said arbitration agreement has been forwarded to the Central Government.

Now, therefore, in pursuance of sub-section (3) of section 10A of the said Act, the Central Government hereby publishes the said arbitration agreement which was received by it on the 28th May, 1973

AGREEMENT

Under Section 10-A of the Industrial Dispute Act, 1947
BETWEEN

Name of the Parties Representing Employer Sh. Sardari Lal, PSEI; Executive Engineer-Personnel, Beas Dam Project, Talwara

Representing Workmen

Shri Daulat Singh Chauhan,
General Secretary, Workers
Union, Beas Dam, Talwara
Township

It is hereby agreed between the parties to refer the following Industrial Dispute to the Arbitration of Shri S.N. Mohanty, Assistant Labour Commissioner (Central), New Delhi

(i) Specific matters in dispute

"Whether the workmen employed in Fire Fighting Service at the Beas Dam Project, Talwara, District Hoshiarpur are entitled to the free supply of "Uniforms"? If so, at what scale and from what date?"

(ii) Details of the parties to the dispute including the name and address of the establishment or undertaking involved

1 Beas Dam Project, Talwara Township, District Hoshiarpur

(iii) Name of the Union, if any representing the workmen in question

Workers Union, Beas Dam Project, Talwara Township, District Hoshiarpur

(iv) Total number of workmen

16000 (Only 35 workmen are employed in the undertaking affected in Fire Fighting Service)

(v) Estimated number of workmen affected or likely to be affected by the dispute

(We further agree that the decision of the Arbitrator shall be binding on us. The arbitrator shall make his award within a period of three months or within such further time as is extended by mutual agreement between us in writing. In case the award is not made within the period aforementioned, the reference to arbitration shall stand automatically cancelled and we shall be free to negotiate for fresh arbitration)

Representing Employers

Signatures of the parties
Sd/-Sardar Lal
Executive Engineer-Personnel,

Beas Dam Project, Talwara.

Representing woerkmen

Sd/-Daulat Singh Chauhan

2/5/73

General Secretary, workers Union,
Beas Dam Project Tolwara Township,

Witnesses.

1. Sd/- Uldip Singh,
Personnel Officer, Beas Dam Project, Tolwara Township.
2. Kiran Soni.

No. L. 42012/20/72 I R III

आदेश

नई दिल्ली, 8 जून, 1973

का० आ० 1743 यतः व्यास बोध प्रयोजना, तलवाड़ा से संबद्ध नियोजकों और कर्मकारों के बीच, जिनका प्रतिनिधित्व अभिक यूनियन, व्यास बोध प्रयोजना, तलवाड़ा करती है, एक श्रीधोगिक विवाद विधानन् है।

प्रौर्धव: उक्त नियोजकों और कर्मकारों ने श्रीधोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10-क की उपधारा (1) के उपबन्धों के अनुसरण में एक लिखित करार द्वारा उक्त विवाद को उम्में

वरित व्यक्ति के माध्यस्थम् के लिए निर्देशित करने का करार कर लिया है और उक्त माध्यस्थम् करार की ओर उक्त व्यक्ति को भेजी गई है;

अतः अब, उक्त अधिनियम की धारा 10-क की उपधारा (3)

के उपबन्धों के अनुसरण में, केन्द्रीय सरकार उक्त माध्यस्थम् करार को, जो उम्मे 26 मई, 1973 को मिला था, एतद्वारा प्रकाशित करती है।

(करार)

(श्रीधोगिक विवाद अधिनियम, 1947 की धारा 10-क के अधीन)
के बीच

पक्षकारों के नाम

नियोजकों का प्रतिनिधित्व करने वाले श्री भरवारी लाल, पी० एम० ई० आई० कार्यकारी व्यास बोध प्रयोजना, तलवाड़ा।

कर्मकारों का प्रतिनिधित्व करने वाले श्री दोलत महेंद्र चौहान, महामविव, अभिक यूनियन व्यास बोध, तलवाड़ा कस्बा।

पक्षकारों के बीच निम्नलिखित श्रीधोगिक विवाद को श्री प्रभास कृष्ण, सहायक अभियुक्त (केन्द्रीय), बरेली। के माध्यस्थम् के लिए एतद्वारा निर्देशित करने का करार किया गया है—

(1) विनिश्चित विवाद प्रस्त विषय “व्यास बोध प्रयोजना, तलवाड़ा जिला होमियारपुर के प्रबन्ध संघ की श्री प्रभुराम गेट मैन को 28-4-1972 से सेवा से वर्द्धास्त करने और तस्वीचारू उक्त 6-11-1972 से नये सिरे से उसी हैसियत में नियुक्त करने की कार्यवाही बैध और व्यापोचित है? यदि नहीं तो वह किस अनुतोष के हक्कावार है।”

(2) विवाद के पक्षकारों का विवरण, जिसमें प्रांतविलित स्थापन या उपत्रम का नाम और पता भी सम्मिलित है।

(3) यदि कोई संघ प्रश्नगत कर्मकारों का प्रतिनिधित्व करता हो तो उसका नाम श्रमिक यूनियन, व्यास बोध प्रयोजना, तलवाड़ा कस्बा, जिला होमियारपुर।

(4) प्रभावित उपत्रम से नियोजित कर्मकारों की कुल संख्या 16000

(5) विवाद द्वारा प्रभावित या सम्भाव्यतः प्रभावित होने वाले कर्मकारों की प्राक्कलित संख्या।

(हम यह करार भी करते हैं कि माध्यस्थ का विनिश्चय हम पर आवश्यक होगा। माध्यस्थ अपना पंचाट तीन मास की कालानीधि या इन्हें और समय के पूर्व भीतर जो हमारे बीच पारस्परिक लिखित करार द्वारा बढ़ावा जाय, देगा। यदि पूर्व अपित कालानीधि के भीतर पंचाट नहीं दिया जाता तो माध्यस्थम् के लिए निर्देश स्वतं रद्द हो जायगा और हम नए माध्यस्थम् के लिए बासीन लगाने को स्वतं दोगे।)

पक्षकारों के हस्ताक्षर

नियोजकों का प्रतिनिधित्व करने वाले

सरदारी लाल
कार्यकारी इजीनियर—ग्रामिक व्यास
बोध प्रयोजना, तलवाड़ा।

कर्मकारों का प्रतिनिधित्व करने वाले ह. बोलत सिंह चौहान
2/5/73
महा सचिव, अधिकारी, व्यास बांध प्रायोजन, तलवाड़ा।

साक्षी:--

1. ह. कुमारी पिंड, कामिक अधिकारी, व्यास बांध प्रायोजन, तलवाड़ा।
2. ह. किरण सोनी

[सं. ए.ल.-42012/19/73-ए.ल. भार. III]

ORDER

New Delhi, the 8th June, 1973

S.O. 1743.—Whereas an industrial dispute exists between the employers in relation to Beas Dam Project Talwara and its workmen represented by Workers Union, Beas Dam Project, Talwara.

And, whereas the said employers and workmen have, by a written agreement, in pursuance of the provisions of sub-section (1) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), agreed to refer the said dispute to arbitration by the person specified therein, and a copy of the said arbitration agreement has been forwarded to the Central Government.

Now therefore, in pursuance of sub-section (3) of section 10A of the said Act, the Central Government hereby publishes the said arbitration agreement which was received by it on the 26th May, 1973.

AGREEMENT

Under Section 10-A of the Industrial Dispute Act, 1947
BETWEEN

Name of the Parties.

Representing Employer: Sh. Sardari Lal, PSEI Executive Engineer - Personnel, Beas Dam Project, Talwara.

Representing Workmen: Sh. Daulat Singh Chauhan, General Secretary Workers Union, Beas Dam, Talwar Township.

It is hereby agreed between the parties to refer the following Industrial Dispute to the Arbitration of Shri Shyam Krishna, Assistant Labour Commissioner (Central), Bareilly)

(i) Specific matters in dispute. "Whether the actions of the Management of Beas Dam Project, Talwara, District Hoshiarpur in dismissing Shri Prabhu Ram, Gatekeeper from service with effect from 28-4-1972 and subsequently appointing him a fresh in the same capacity with effect from 6-11-1972 are legal and justified? If not to what relief is he entitled?"

(ii) Details of the Parties to the dispute including the name and address of the establishment or undertaking involved.

1. Beas Dam Project, Talwara Township.
2. Workers Union, Beas Dam Project, Talwara.

(iii) Name of the Union, if any, representing the workmen in question.

(iv) Total number of workmen employed in the undertaking affected.

(v) Estimated number of workmen affected or likely to be affected by the dispute.

1

(We further agree that the decision of the Arbitrator shall be binding on us. The arbitrator shall make his award within a period of three months or within such further time as is extended by mutual agreement between us in writing. In case the award is not made within the period aforementioned, the reference to arbitration shall stand automatically cancelled and we shall be free to negotiate for fresh arbitration).

Signature of the parties
 Representing Employers Sd./- SARDARI LAL
Executive Engineer-Personnel,
Beas Dam Project, Talwara
 Representing Workmen Sd./- DAULAT SINGH CHAUHAN
2-5-73
General Secretary, Workers Union,
Beas Dam Project, Talwara

Witnesses :—

1. Sd./- Kuldip Singh,
Personnel Officer, Beas Dam Project, Talwara Township.
2. Sd./- Kiran Soni.

[No.L.42012/19/73/LRIII]

आवेदन

S.O. भा. 1744.—यह: भाकड़ा प्रबंध बोर्ड से सबद्ध नियोजकों और उम्मेकर्मकारों के बीच, जिसका प्रतिनिधित्व नंगल भाकड़ा मजदूर सभ, नंगल फस्ता फरना है, एक शौधोगिक विवाद विद्यमान है,

और यह: उक्त नियोजकों और कर्मकारों ने शौधोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10-क की उपधारा (1) के उपबन्धों के अनुसरण में एक विद्वित करार द्वारा उक्त विवाद को उसमें वर्णित व्यक्ति के माध्यस्थम् के लिए निर्देशित करने का करार कर लिया है, और उक्त माध्यस्थम् करार की एक प्रति केन्द्रीय सरकार को भेजी गई है,

अतः, यदि, उक्त अधिनियम की धारा 10-क की उपधारा (3) के उपबन्धों के अनुसरण में, केन्द्रीय सरकार उक्त माध्यस्थम् करार को, जो उसे 28 मई, 1973 को मिला था, एतद्वारा प्रकाशित करती है।

(करार)

(शौधोगिक विवाद अधिनियम, 1947 की धारा 10-क के अधीन)

के बीच

पक्षकारों के नाम

नियोजकों का प्रतिनिधित्व करने वाले सरदार चरण सिंह, उप विभागीय अधिकारी, अधीक्षक नियमिताला के व्यक्तिक राहायक, नंगल निर्माण शाला।

कर्मकारों का प्रतिनिधि करने वाले

सरदार राम किशन सिंह, महा सचिव, नंगल भाकड़ा मजदूर सभ, नंगल।

पक्षकारों के बीच निम्नविद्वित शौधोगिक विवाद को श्री टी.टी.टी. तथा उप श्रमायुक्त (केन्द्रीय) नई विली के मध्यस्थम् के लिए एतद्वारा निर्देशित करने का करार किया गया है।

(1) विनिविष्ट विवाद ग्रस्त विषय "भाकड़ा प्रबंध बोर्ड नंगल करवे की नंगल नियमिताला के प्रबन्ध-तत्त्व की श्री सुषा सिंह को पहली फरवरी 1971 के बदले पहली अग्रत, 1971 से विजली मिली (इकेविंगियन) प्रेड-II के रूप में पदोन्नत करने की कार्रवाई

न्यायोचित है? यदि नहीं तो
वह किस अनुमति को पाने
का हकदार है?"

(2) विवाद के पक्षकारों वा 1. भाकड़ा प्रबन्ध बोर्ड, नंगल
विवरण, जिसमें अंतर्वित या कस्ता।
उपक्रम का नाम और पता भी 2 नंगल भाकड़ा मजदूर संघ,
सम्मिलित है। नंगल कस्ता।

(3) यदि कोई संघ प्रश्नगत नंगल भाकड़ा मजदूर संघ, नंगल
कर्मकारों का प्रतिनिधित्व करता कस्ता।

(4) प्रभावित उपक्रम में नियोजित होते ही कुल संख्या 900
कर्मकारों की कुल संख्या।

(5) विवाद द्वारा प्रभावित या 1 सम्भाव्यतः प्रभावित होने वाले
कर्मकारों की प्राकलित संख्या।

हम यह करार भी करते हैं कि मध्यस्थ का विनियंत्रण हम पर आवश्यक
कर द्योगा।

मध्यस्थ अपना पंचाट तीन मास की कालावधि या इतने और समय
के भीतर जो हमारे बीच पारस्परिक लिखित करार द्वारा बढ़ावा जाय,
देगा। यदि पूर्व वर्धित कालावधि के भीतर पंचाट नहीं दिया जाता तो
माध्यस्थम् के लिए निवेश स्वतं रह दी जायेगा और हम नए माध्यस्थम्
के लिए बातचीत करने को स्वतं दूर होगे।

पक्षकारों के हस्ताक्षर

ह: प्रस्पष्ट

5/5/73

नियोजकों का प्रतिनिधित्व करने वाले

ह: स्पष्ट 5/5/73

कर्मकारों का प्रतिनिधित्व करने वाले

साक्षी

1. ह. के० सोनी

2. ह. बाबू लाल।

[सं० एल-42012/17/73-एम० भार० III]

ORDER

S.O. 1744.—Whereas an industrial dispute exists between the employers in relation to Bhakra Management Board and its workmen represented by Nangal Bhakra Mazdoor Sangh, Nangal Township,

And, whereas the said employers and workmen have, by a written agreement, in pursuance of the provisions of sub-section (1) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), agreed to refer the said dispute to arbitration by the person specified therein, and a copy of the said arbitration agreement has been forwarded to the Central Government.

New, therefore, in pursuance of sub-section (3) of section 10A of the said Act, the Central Government hereby publishes the said arbitration agreement which was received by it on the 28th May, 1973.

AGREEMENT

Under Section 10A of the Industrial Disputes Act, 1948
BETWEEN

Name of the parties.

Representing employers : Sardar Charan Singh,
Sub Divisional Officer, PA to
Superintendent Workshop,
Nangal Workshop.

Representing workmen : Sardar Ram Kishan Singh,
General Secretary Nangal Bhakra
Mazdoor Sangh, Nangal.

It is hereby agreed between the parties to refer the following Industrial dispute to the arbitration of Shri T.T. Tayade, Dy. Chief Labour Commissioner (Central), New Delhi.

(i) Specific matter in dispute :

"Whether the action of the management of Nangal Workshop of Bhakra Management Board Nangal Township in promoting Shri Sucha Singh as Electrician Grade II with effect from 1st August, 1971 instead of 1st February, 1971 is legal and justified ? If not to what relief is he entitled?"

(ii) Details of the parties to the dispute including the name and address of the Establishment or undertaking involved.

1. Bhakra Management Board, Nangal Township.
2. Nangal Bhakra Mazdoor Sangh, Nangal Township.

(iii) Name of the Union if any representing the workmen in question.

Nangal Bhakra Mazdoor Sangh, Nangal Township.

(iv) Total number of workmen employed in the undertaking affected.

900

(v) Estimated number of workmen affected or likely to be affected by the dispute.

We further agree that the decision of the Arbitrator shall be binding on us.

The arbitrator shall make his award within a period of three months or within such further time as is extended by mutual agreement between us in writing. In case the award is not made within the period aforementioned the reference to arbitration shall stand automatically cancelled and we shall be free to negotiate for fresh arbitration.

Signature of the Parties.

Sd/- Illegible 5/5/73

Representing employer.

Sd/- Illegible 5/5/73

Representing workmen :

Witnesses :

1. Sd/- K. Soni.

2. Sd/- Babu Lal.

[No. L. 42012/17/73/LR III]

आवेदन

का० आ० 1745.—यह आवेदन प्रायोजना तलबाड़ा से सम्बद्ध नियोजकों और उसके कर्मकारों के बीच, जिनका प्रतिनिधित्व आमक यूनियन, आवास और प्रायोजना, तलबाड़ा कस्ता करता है, एक आधिकारिक विवाद विधान है;

और यह उक्त नियोजकों और उसके कर्मकारों ने आधिकारिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10-क की उपधारा (1) के उपबन्धों के अनुमति में एक लिखित करार उक्त विवाद को उसमें वर्णित व्यक्ति के माध्यस्थम् के लिए निर्विचित करने का करार कर लिया है और उक्त माध्यस्थम करार को एक प्रति केन्द्रीय सरकार को भेजी गई है।

अब, अब, उक्त आधिकारिक विवाद 10-क की उपधारा (3) के उपबन्धों के अनुमति में, केन्द्रीय सरकार उक्त माध्यस्थम करार को, जो उसे 28 मई, 1973 को मिला था, एतद्वारा प्रकाशित करती है।

करार

(ग्रौद्योगिक विवाद अधिनियम, 1973 को धारा 10-क के अधीन)
के शीघ्र

पक्षकारों के नाम :

नियोजकों का प्रतिनिधित्व करने वाले श्री सरदारी लाल पी०एस०ई०प्राइ०
कार्यकारी हेजीनियर-रॉमिक ब्यास
बांध प्रायोजना, तलवाड़ा ।

कर्मकारों का प्रतिनिधित्व करने वाले श्री दौषस सिंह, चौहान, महासचिव,
श्रमिक यूनियन, ब्यास बांध,
तलवाड़ा कस्बा ।

पक्षकारों के शीघ्र निम्नलिखित ग्रौद्योगिक विवाद को श्री प्रम०पन०
मोहन्ती, सहायक श्रमायुक्त (केन्द्रीय) नई दिल्ली के मध्यस्थम् के लिए
एनद्वारा निर्देशित करने वा करार किया गया है:

1 विनियोजन विवाद ग्रस्त विषय . “क्या ब्यास बांध प्रायोजना तलवाड़ा
कस्बा जिला होशियारपुर के
प्रबोधन्तङ्क भी श्री ब्रह्म दत, लोको
चालक को 27-3-1972 से
सेवा बखास्त करने और उसके
पश्चात् उन्हें 18-11-1972 से
पुनः नये सिरे से उसी हैमियत में
नियुक्त करने की कार्यवाहिणा वैध
और न्यायोचित है? यदि नहीं तो
कर्मकार किस अनुतोष का द्रुक्तार
है।”

(2) विवाद के पक्षकारों का विवरण
जिसमें अंतर्वलित स्थापन या
उपक्रम का नाम और पक्षा भी
सम्मिलित है ।

(3) यदि कोई संघ प्रणगत कर्मकारों
का प्रतिनिधित्व करता हो तो
उसका नाम ।

(4) प्रभावित उपक्रम में नियोजित
कर्मकारों की कुल संख्या ।

(5) विवाद द्वारा प्रभावित या संभा-
व्य प्रभावित होने वाले कर्मकारों
की प्राक्कलिन संख्या ।

(हम यह करार भी करते हैं कि मध्यस्थ का विनियोजन हम पर आवङ्ग
कर होगा। मध्यस्थ अपना पंचाट तीन मास वी कालावधि या इसने और समय के
भीतर जो हमारे बीच पारस्परिक लिखित करार द्वारा बढ़ाया जाय,
ऐगा। यदि पूर्व कार्यत कालावधि के भीतर पंचाट नहीं दिया जाता
तो माध्यस्थम् के लिए नियेश स्वतः यह हो जायगा और हम नए माध्यस्थम्
के लिए बातचीत करने को स्वतंत्र होगे) ।

पक्षकारों के हस्ताक्षर

नियोजकों का प्रतिनिधित्व करने वाले हृ: सरदारी लाल, कार्यकारी हेजीनियर,
कार्मिक ब्यास बांध प्रायोजना,
तलवाड़ा ।

कर्मकारों का प्रतिनिधित्व करने वाले हृ: दौषस सिंह, चौहान,
2-5-73
महासचिव, श्रमिक यूनियन,
ब्यास बांध प्रायोजना,
तलवाड़ा कस्बा ।

साक्षी—

1 हृ. कुलदीप मिहू,
कार्मिक अधिकारी ब्यास बांध तलवाड़ा ।
2. हृ. किरण सोनी

[सं. एन० 42012/18/73-एल०आर० III]
फर्मल लिह, प्रवर संचित

ORDER

S. O. 1745:—Whereas an industrial dispute exists between
the employers in relation to Beas Dam Project Talwara and its
workmen represented by Workers Union, Beas Dam Project
Talwara Township.

And, whereas the said employers and workmen have, by a
written agreement, in pursuance of the provisions of sub-section
(1) of section 10A of the Industrial Disputes Act, 1947 (14 of
1947), agreed to refer the said dispute to arbitration by the
person specified therein, and a copy of the said arbitration
agreement has been forwarded to the Central Government.

Now, therefore, in pursuance of sub-section (3) of section
10A of the said Act, the Central Government hereby publishes
the said arbitration agreement which was received by it on the
28th May, 1973.

AGREEMENT

Under section 10-A of the Industrial Dispute Act, 1947
BETWEEN

Name of the parties.
Representing Employer: Sh. Sardari Lal-PSEI Executive
Engineer-Personnel Beas Dam
Project, Talwara.

Representing Workmen: Sh. Daulat Singh, Chauhan,
General Secretary, Workers
Union, Beas Dam, Talwara
Township.

It is hereby agreed between the parties to refer the following
Industrial Dispute to the Arbitration of Shri S. N. Mohanty,
Assistant Labour Commissioner (Central), New Delhi.

(i) Specific matters in
dispute.
“whether the actions of the
Management of Beas Dam
Project, Talwara, District
Hoshiarpur in dismissing Shri
Brahm Dutt, Loco Driver from
service with effect from 27-3-72
and subsequently appointing
him afresh with effect from
18-11-1972 on the same capacity
are legal and justified?
If not, to what relief is the
workman entitled ?

(ii) Details of the parties
to the dispute including
the name and address
of the establishment or
undertaking involved.

1. Workers Union, Beas Dam
Project, Talwara Township,
District Hoshiarpur.

2. Beas Dam Project, Talwara,
District Hoshiarpur.

(iii) Names of the Union,
if any representing the
workmen in question.

Workers Union, Beas Dam Pro-
ject, Talwara.

16000.

(iv) Total number of work-
men employed in the
undertaking affected.

1

(v) Estimated number of
workmen affected for
likely to be affected by the
dispute.

(We further agree that decision of the Arbitrator shall be
binding on us. The arbitrator shall make his award within a
period of three months or within such further time as extended

by mutual agreement between us in writing. In case the award is not made within the period aforementioned, the reference to arbitration shall stand automatically cancelled and we shall be free to negotiate for fresh arbitration).

Signature of the parties.

Representing Employers.

Sd/-

SARDARILAL

Executive Engineer
Personnel, Beas Dam Project, Talwara.

Representing Workmen:

Sd/-

DAULAT SINGH CHAUHAN
2/5/73

General Secretary
Workers Union, Beas Dam Project, Talwara Township.

Witnesses.

1. Sd/- Kuldip Singh
Personnel Officer, Beas Dam, Talwara.
2. Sd/- Kiran Soni.

[No. L. 42012/18/73/LRIII]

प्राप्तिक्रिया

का० प्रा० 1746—यत व्यास बाध प्रायोजना, तलवाड़ा से सबद्ध नियोजकों और उनके कर्मकारों के बीच, जिनका प्रतिनिधित्व अभिक पूनियन, व्यास बाध प्रायोजना तलवाड़ा कम्बा करती है, एक श्रीधोगिक विवाद विद्यमान है।

और यत उक्त नियोजकों और कर्मकारों के श्रीधोगिक विवाद प्रधिनियम 1947 (1947 का 14) की धारा 10-क की उपधारा (1) के उपवधों के अनुसरण में एक लिखित करार द्वारा उक्त विवाद को उसमें वर्णित व्यक्ति के माध्यस्थम के लिए निर्दिष्ट करने का करार कर दिया है और उक्त माध्यस्थम करार की एक प्रति केन्द्रीय सरकार को भेजी गई है।

अतः, अब, उक्त प्रधिनियम की धारा 10-क की उपधारा (3) के उपवधा के अनुसरण में, केन्द्रीय सरकार उक्त माध्यस्थम करार को, जो उसे 28 मई, 1973 को मिला था, एतद्वारा प्रकाशित करती है।

करार

(श्रीधोगिक विवाद अधिनियम, 1947 की धारा 10-क के अधीन)
के बीच

पक्षकारों के नाम

नियोजकों का प्रतिनिधित्व करने वाले श्री सरदारी लाल, पी०ए०म०५०आ०५०
कार्यकारी इंजीनियर कार्मिक व्यास
बाध प्रायोजना, तलवाड़ा।

कर्मकारों का प्रतिनिधित्व करने वाले श्री बोलसिंह सिंह चौहान, महासचिव,
श्रामिक यूनियन, व्यास बाध,
तलवाड़ा कम्बा।

पक्षकारों के बीच निर्मालिखित श्रीधोगिक विवाद को श्री टी०टी० तयाडे, उप मुख्य श्रमायुक्त (केन्द्रीय), नई विली के माध्यस्थम के लिए एतद्वारा नियुक्त करने का करार किया गया है,

1. विनिश्चित विवाद गम्त विषय “व्यास बाध प्रायोजना, तलवाड़ा के प्रबंध तत्र की श्री जमुना दाम, रेटेशन मार्टर को 5-5-1972 से सेवा से अवृत्ति करने और तत्पचात् उन्हे 18-11-1972 से नये पिरे से उसी हैसियत में नियुक्त करने की कर्मवाहियाँ वैध और व्यायोंचित हैं? यदि नहीं तो कर्मकार किस अनुसोद का हक्कार है?”

(2) विवाद के पक्षकारों का विवरण	1. व्यास बाध प्रायोजना, तलवाड़ा।
जिसमें प्रत्येकिन स्थापन का उचित नाम और पता भी सम्मिलित है।	2 अभिक पूनियन, व्यास बाध तलवाड़ा।
(3) यदि कोई संघ प्रश्नगत कर्मकारों का प्रतिनिधित्व करता हो तो उसका नाम	अभिक पूनियन व्यास बाध तलवाड़ा कस्ता।
(4) प्रभावित उपबंध में नियोजित कर्मकारों को कुल संख्या	16,000
(5) विवाद द्वारा प्रभावित या सभाष्य प्रभावित होने वाले कर्मकारों की प्राकृतिक संख्या	1

(इस यह करार भी करते हैं कि मध्यस्थ का विनिश्चय हम पर प्राप्त हुआ है। मध्यस्थ प्रयत्न पचाट तीन मास की कालावधि या इतने प्राप्त समय के भीतर जो हमारे बीच पारस्परिक लिखित करार द्वारा वर्ताया जाय, होगा। यदि पूर्व वर्णित कालावधि के भीतर पचाट नहीं दिया जाता तो माध्यस्थम के लिए निवेश स्वतं रह दें हो जायगा और हम नए माध्यस्थम के लिए वातव्रीत करने को स्वतंत्र होंगे।

पक्षकारों के हस्ताक्षर

नियोजकों का प्रतिनिधित्व करने वाले . ह०-सरदारी लाल, कार्यकारी इंजीनियर, कार्मिक व्यास सभ प्रायोजना, तलवाड़ा।

कर्मकारों का प्रतिनिधित्व करने वाले . ह०-दीपत सिंह चौहान, महा सचिव, अभिक पूनियन व्यास बाध प्रायोजना, तलवाड़ा, कस्ता।

साक्षी

1 ह०-कुलदीप सिंह, कार्मिक अधिकारी व्यास बाध, तलवाड़ा।

2 ह०-किरण सोनी।

[स० एल 42011/15/73-एल० प्रा० III]

ORDER

S. O. 1746.—Whereas an industrial dispute exists between the employers in relation to Beas Dam Project (Talwara and its workmen represented by Workers Union, Beas Dam Project, Talwara Township.

And, whereas the said employers and workmen have, by a written agreement, in pursuance of the provisions of sub-section(1) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947) agreed to refer the said dispute to arbitration by the person specified therein, and a copy of the said arbitration agreement has been forwarded to the Central Government.

Now, therefore, in pursuance of sub-section(3) of section 10A of the said Act, the Central Government hereby publishes the said arbitration agreement which was received by it on the 28th May, 1973.

AGREEMENT

Under Section 10-A of the Industrial Dispute Act 1947
BETWEEN

Name of the parties.

Representing Employer. Shri Sardar Lal PSEI, Executive Engineer-Personnel Beas Dam Project, Talwara.

Representing Workmen : Shri Daulat Singh Chauhan, General Secretary, Workers Union, Beas Dam, Talwara Township.

It is hereby agreed between the parties to refer the following Industrial Dispute to the Arbitration of Shri T.T. Tayade, Deputy Chief Labour Commissioner (Central).

New Delhi.

(i) Specific matters in dispute.

“Whether the actions of the Management of Beas Dam Project, Talwara in dismissing Shri Jamua Dass, Station

(ii) Details of the parties to the dispute including, the name of and address of the establishment or undertaking involved.

(iii) Name of the Union, if any representing the workmen in question.

(iv) Total number of workmen employed in the undertaking affected.

(v) Estimated number of workmen affected or likely to be affected by the dispute.

(We further agree that the decision of the Arbitrator, shall be binding on us. The Arbitrator shall make his award within a period of three months or within such further time as is extendible by mutual agreement between us in writing. In case the Award is not made within the period aforementioned, the reference to arbitration shall stand automatically cancelled and we shall be free to negotiate for fresh arbitration.

Signature of the parties.

Representing Employer Sd/-
Sardari Lal Executive Engineer—
P. O., Beas Dam Project, Talwara.

Representing Workmen.

Sd/-Daulat Singh Chauhan

General Secretary, Workers Union, Beas Dam Project, Talwara Township.

Witnesses.

1. Sd/- Kuldip Singh, Personnel Officer, Beas Dam, Talwara.
2. Sd/- Kiran Soni.

[No.L.42012/15/73/LRIII]

S.O. 1747.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, No. 1, Dhanbad, in the industrial dispute between the employers in relation to the management of Lodna Colliery at present under the management of Messrs Bharat Coking Coal Limited, Post Office Jharia, District Dhanbad and their workmen, which was received by the Central Government on the 31st May, 1973.

(AWARD)

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of reference under section 10(1)(d) of the Industrial Disputes Act, 1947.

Reference No. 30 of 1972

Parties:

Employers in relation to the management of Lodna Colliery at present under the management of Messrs Bharat Coking Coal Limited, Post Office Jharia, District Dhanbad

AND

Their Workmen.

Present:

Mr. Justice D. D. Seth, (Retd.), Presiding Officer.

Appearances:

For the old employers—Shri A. K. Sahay, Manager

Master from service with effect from 5.5.1972 and subsequently appointing him afresh in the same capacity with effect from 18-11-1972 are legal and justified? If not, to what relief the workman is entitled?".

For the Bharat Coking Coal Ltd.—Shri S. S. Mukherjee, Advocate.

For the Workmen—Shri H. N. Singh, Vice-President, Koyala Ispat Mazdoor Panchayat, Jharia.

State: Bihar

Industry: Coal.

Dhanbad, the 25th May, 1973

AWARD

The present reference arises out of Order No. L/2012/14/72-LRII dated New Delhi, the 4th September, 1972 passed by the Central Government in respect of an industrial dispute between the parties mentioned above. The subject matter of the dispute has been specified in the schedule to the said order and the said schedule runs as follows:—

"Whether the action of the management of Lodna Colliery at present under the management of Bharat Coking Coal Limited, Post Office Jharia, District Dhanbad, in dismissing from service Shri Ram Avtar Mallah, Underground Munshi, with effect from the 21st September, 1971 is justified? If not, to what relief is the workman entitled?"

2. The dispute has been settled out of Court. A memorandum of settlement, dated 25th May, 1973 has been filed in Court. I have gone through the terms of settlement and I find them quite fair and reasonable. There is no reason why an award should not be made on the terms and conditions laid down in the Memorandum of Settlement. I accept it and make and award accordingly. The memorandum of settlement shall form part of the award.

3. Let a copy of this award be forwarded to the Central Government as required under section 15 of the Industrial Disputes Act, 1947

D. D. SETH, Presiding Officer

BEFORE THE HON'BLE PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL

NO. 1 AT DHANBAD

In the matter of:

Reference No. 30 of 1972

Parties:

Employers in relation to Lodna Colliery
AND

Their Workmen.

MEMORANDUM OF SETTLEMENT

All the parties in the present proceedings have amicably settled the dispute involved in the present Reference on the terms hereinafter stated:

(1) That Shri Ram Avtar Mallah, the workman concerned in the present Reference shall be reinstated on and from 28-5-1973 without any back-wages and he shall be posted at Bugdigi Colliery. He will be placed in clerical grade-III (Central Wage Board) with basic salary of Rs. 225/- (Rupees Two hundred and twenty-five only) per month from the said date.

(2) That the period intervening from the date of dismissal (which gave rise to the present reference) till the date of resumption of duty shall, for the purposes of continuity of services, be treated as leave without pay, but the workman concerned will be eligible to proportionate leave provided he puts in proportionate qualifying attendance during the remaining period of the current year.

(3) That in the event of the failure of Shri Ram Avtar Mallah, concerned workman, to report for work within a fortnight from 28-5-1973, he shall have no right for re-employment etc. under this agreement.

(4) That Shri H. N. Singh, Vice President, Koyala Ispat Mazdoor Panchayat, Jharia will be paid a sum of Rs. 100/- (Rupees One Hundred only) as the cost of proceedings.

(5) That the above terms finally resolve the dispute between the parties and there is, therefore, no subsisting dispute for adjudication in the present reference.

It is, therefore, prayed that the Hon'ble Tribunal may be pleased to accept this Settlement and to give its Award in terms thereof.

For the Employer

For the Workman
H. N. SINGH, Vice-President,
Koyal Ispat Mazdoor Panchayat, Jharia.

A. K. SAHAY
Manager
Lodna Colliery

For Bharat Coking Coal Ltd.

J. N. P. SAHI, Labour & Law Adviser
Bharat Coking Coal Ltd.
S. S. MUKHERJEE, Advocate

Dated, the 25th May, 1973.

[No. L. 2012/14/72/LR II]

S.O. 1748.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur, in the industrial dispute between the employer in relation to the Jamuna Colliery of Messrs National Coal Development Corporation Limited, Post Office Jamuna Colliery, District Shahdol (Madhya Pradesh) and their workmen, which was received by the Central Government on the 4th June, 1973.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR
Jabalpur, the 24th April, 1973

Present :

Mr. Justice S. N. Katju—Presiding Officer.

Case No. CGIT/LC(R)(6) of 1972

(Notification No. L-2212/21/21/71-LRII dated 11-2-1972).

Parties:

Employers in relation to the Jamuna Colliery of Messrs National Coal Development Corporation Limited, Post Office, Jamuna Colliery, District Shahdol (Madhya Pradesh) and their workmen represented through the Jamuna Kolari Mazdoor Sangh, P.O. Kotma, District Shahdol (M.P.).

Appearances:

For employers—Sri P. S. Nair.
For workmen—Sri P. K. Thakur.

Industry: Coal Mine

District: Shahdol (M.P.).

AWARD

This is a reference under Section 10(1)(d) of the Industrial Disputes Act, 1947 (hereinafter called the Act).

The question referred is:

"Keeping in view the seniority list of Lower Division Clerks notified in 1968, whether the management of Jamuna Colliery of Messrs National Coal Development Corporation Limited, was justified in giving seniority list notified in 1969? If not, to what relief is the workman entitled?"

Admittedly Sri P. V. Samukutty is working on the staff of the Jamuna Colliery of National Coal Development Corporation Ltd. (hereinafter called the Corporation) as a Lower Division Clerk since 1968. According to the seniority list of the monthly paid employees of Jamuna Colliery as on 1-4-1968 Sri P. V. Samukutty was shown as the senior most Lower Division Clerk/Typist. It was alleged by him that since he was an active worker of the Union and represented the cause of the workmen, the management acting in a malafide manner brought Sri A. K. Prasad from Giridih to the Jamuna Colliery and made him the senior most Lower Division Clerk on the basis of seniority and thus Sri Samukutty was bye-passed with the result that his future claims have been marred. On behalf of the management of the Colliery it was stated that the Corporation is a body corporate which owns various coal mines in Bihar,

Orissa, Madhya Pradesh and Maharashtra. The services of the employees are liable to be transferred from one mine to another for administrative convenience and even otherwise in accordance with the terms of the contract of service. Giridih Colliery of the Corporation had surplus staff which was transferred to various collieries in which vacancies existed. According to the management, A. K. Prasad was transferred from Giridih to Jamuna Colliery on 11-1-1968. He had been appointed as early as 1-10-1968 and even prior to 1-10-1968 he was working in other collieries from 1946. Both A. K. Prasad and P. V. Samukutty were in the same pay scale viz. 110—180 and their seniority was determined on the basis of length of service in the same grade. According to the management Samukutty was appointed in the scale of Rs. 110—180 on 1-6-1963 while A. K. Prasad was appointed in the same scale on 1-10-1956. Therefore, after A. K. Prasad was transferred from Giridih to the Jamuna Colliery he was made senior to Samukutty. It is clear that the Giridih Colliery and the Jamuna Colliery are under the management of the Corporation. The parties produced documentary evidence but did not lead any oral evidence. Sri P. K. Thakur strenuously argued that the Jamuna Colliery was a separate unit for administrative purposes and Samukutty being the senior most Lower Division Clerk in the Colliery and his name having put first in the seniority list he should not have been superseded by A. K. Prasad. Sri Thakur was, however, unable to point out any provision which prohibited the Corporation from transferring an employee who was working in one of its units to another unit. It was fully within the competence of the Corporation to transfer A. K. Prasad from Giridih to the Jamuna Colliery. He carried his seniority with him and it was not open to the management to lower it after his transfer from Giridih to the Jamuna Colliery. Mr. Thakur was unable to refer to any provision which may be binding on the parties for showing that an employee serving in the same company could be transferred from one of its units to another without retaining his own seniority in the service of the Company. It might have been hard on P. V. Samukutty that he no longer remained the senior most Lower Division Clerk in the Colliery as he was before the transfer of A. K. Prasad to the Jamuna Colliery. But it would have been very unjust on the part of the management to have pushed down A. K. Prasad's seniority after transferring him from Giridih to the Jamuna Colliery. An employee serving in one branch of the same concern can be transferred to another of the concern, but on such transfer he would retain his seniority and his pay scale and the management on transferring him to another unit can not bring down his seniority. It is, therefore, clear that the management was fully justified in giving seniority to A. K. Prasad over P. V. Samukutty on his transfer from Giridih to the Jamuna Colliery and the workman, P. V. Samukutty, is not entitled to any relief. I make my award accordingly. The parties will bear their own costs.

S. N. KATJU, Presiding Officer

[No. L-2212/21/71/LR II]

S.O. 1749.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the management of Haripur Colliery (The Selected Baraboni Coal Company Private Limited), Post Office Bahula, District Burdwan and their workmen, which was received by the Central Government on the 2nd June, 1973.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 45 of 1972

Parties:

Employers in relation to the management of Haripur Colliery (The Selected Baraboni Coal Company Private Limited).

AND

Their Workmen

Present :

Sri S. N. Bagchi—Presiding Officer.

APPEARANCE:

On behalf of Employers.—Absent.

On behalf of Workmen.—Absent.

STATE: West Bengal

Industry : Coal Mine

AWARD

By Order No. I/1912/56/72-LRII, dated 21-7-1972, the Government of India, in the Ministry of Labour and Rehabilitation, Department of Labour and Employment, referred the following industrial dispute existing between the employers in relation to the management of Haripur Colliery (The Selected Baraboni Coal Company Private Limited), and their workmen, to this tribunal, for adjudication, namely:

"Whether the action of the management of Haripur Colliery (The Selected Baraboni Coal Company Private Limited), Post Office Bahula, District Burdwan in stopping the work of Shri Brij Behari Pandey, Sand Checker with effect from the 20th March, 1972 is justified? If not, to what relief is the workman entitled?"

2. The parties filed their respective statement of cases in this matter. Thereafter the management of the colliery by an Ordinance of 1973 vested in the Central Government administered by a Statutory Custodian. But there was no lawful appearance of the Central Government through the statutory Custodian in his proceeding.

3. On 18-4-1973 a curious application was filed before this tribunal containing the terms of alleged settlement signed on behalf of the management by somebody with a date thereunder 16/4/1973 and on behalf of the workman by somebody with a date thereunder 16/4/1973. The names of the signatories are undecipherable. Below the names of the signatures no common seal appears i.e. for the employer management and the workman purporting to be represented by a registered trade union. So, the tribunal directed the signatories to the so called compromise petition to appear before the tribunal on 24-5-1973 and to make submission on the alleged compromise petition if any. The date was duly notified. None for the management and for the workmen appear in spite of notice. The so called compromise petition cannot therefore be recorded.

4. As the parties do not appear, this tribunal considers that there is no dispute. Accordingly a 'no dispute' award is rendered.

Dated 24th May 1973.

S. N. BAGCHI, Presiding Officer.
[No. L-19012/56/72-LR III]
KARNAIL SINGH, Under Secy.

आवेदन

नई दिल्ली, 30 अप्रैल, 1973

का. आ. 1750.—यतः केन्द्रीय सरकार की राय है कि इससे उपाध्य अनुसूची में विनिर्दिष्ट विवरणों के बारे में य. पी. स्टॉन इंडस्ट्रियल कारपोरेशन लिमिटेड, कानपुर के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक आँद्र्योगिक विवाद विद्यमान है,

आँर यतः केन्द्रीय सरकार उक्त विवाद को न्यायीनिर्णय के लिए निर्देशित कर गांधीनीय समझती है;

यतः, अब, आँद्र्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त विवाद को उक्त अधिनियम की धारा 7-क के अधीन गठित आँद्र्योगिक अधिकरण, जबलपुर को न्यायीनिर्णय के लिए निर्देशित करती है।

अनुसूची

"क्या य. पी. स्टॉन इंडस्ट्रियल कारपोरेशन लिमिटेड, कानपुर की चापन (जिला मिर्जापुर) स्थित चूना-पत्थर और ढोलोमाइट खानों में नियोजित अपने कर्मकारों के सम्बन्ध में चूना-पत्थर और ढोलोमाइट खानों के लिए केन्द्रीय मजदूर

बोर्ड की सिफारिशों का यान्त्रिक न करने की कार्रवाई न्यायीचित है? यदि नहीं, तो सम्बंधित कर्मकार किस अनुत्तम के आंर किस तारीख से हकदार है?"

[सं. एल-29011/7/73-एल. आर-4]

ORDER

New Delhi, the 30th April, 1973

S.O. 1750.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of U.P. State Industrial Corporation Limited, Kanpur and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Dispute hereby refers the said dispute for adjudication to the Industrial Tribunal, Jabalpur constituted under section 7A of the said Act.

SCHEDULE

Whether the action of the U.P. State Industrial Corporation Limited, Kanpur by not implementing the recommendations of the Central Wage Board for Limestone and Dolomite Mines in the case of their workmen employed in the Limestone and Dolomite Mines at Chopan (District Mirzapur) is justified? If not, to what relief are the workmen concerned entitled and from what date?

[No. L-29011/7/73-LR.IV.]

आवेदन

नई दिल्ली, 11 मई, 1973

का. आ. 1751.—यतः केन्द्रीय सरकार की राय है कि इससे उपाध्य अनुसूची में विनिर्दिष्ट विवरणों के बारे में मौसर्स अशोक स्टॉन इंडस्ट्रियल, अम्बोली हिल, अन्धेरी, मुम्बई, के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक आँद्र्योगिक विवाद विद्यमान है,

आँर यतः केन्द्रीय सरकार उक्त विवाद को न्यायीनिर्णय के लिए निर्देशित करना गांधीनीय समझती है,

यतः अब, आँद्र्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एस्ट्रेंजरी उक्त विवाद को उक्त अधिनियम की धारा 7-क के अधीन गठित केन्द्रीय सरकार आँद्र्योगिक अधिकरण, (संख्या 2) बम्बर्स को न्यायीनिर्णय के लिए निर्देशित करती है।

अनुसूची

"क्या मौसर्स अशोक स्टॉन इंडस्ट्रियल, अम्बोली हिल, अन्धेरी, मुम्बई, की श्री हनुमंत लक्ष्मण की सेवाओं को समाप्त करने की कार्रवाई न्यायीचित थी? यदि नहीं, तो कर्मकार किस अनुत्तम के हकदार है?"

[सं. एल-29012(14)/73-एल. आर-4]

ORDER

New Delhi, the 11th May, 1973

S.O. 1751.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Messrs Ashok Stone Industries, Amboli Hill, Andheri, Bombay and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial

Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal (No. 2), Bombay constituted under section 7A of the said Act.

SCHEDULE

Whether Messrs Ashok Stone Industries, Amboli Hill, Andheri, Bombay were justified in terminating the services of Shri Hanumatha Laxman? If not, to what relief is the workman entitled?

[No. I-29012(14)/73-LR.IV.]

नई दिल्ली, 4 जून, 1973

का. आ. 1752.—यतः केन्द्रीय सरकार ने, यह समाधान हो जाने पर कि लोक हित में ऐसा अपर्क्षत है, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (८) के उपखण्ड (१) के उपबंधों के अनुसार में, भारत सरकार के श्रम और पूर्वासी मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना सं. का. आ. 4078 तारीख 29 नवम्बर, 1972 द्वारा, उक्त अधिनियम, की धारा 2 के खण्ड (ख) में यथापरीभावित बैंककारी उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 29 दिसम्बर, 1972 से छ: मास की कालावधि के लिए उपचारी सेवा घोषित किया था,

और यतः केन्द्रीय सरकार की राय है कि लोक हित में उक्त कालावधि का छ: मास की और कालावधि के लिये बढ़ाया जाना अपर्क्षत है,

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (८) के उपखण्ड (१) के परन्तु इसके प्रदृष्ट शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्देश्यारा उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 29 जून, 1973 से छ: मास की और कालावधि के लिए लोक उपचारी सेवा घोषित करती है।

[फा. सं. एस.-11025/19/73-एल. आर. १]

New Delhi, the 4th June, 1973

S.O. 1752.—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provisions of sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the notification of the Government of India in the Ministry of Labour and Rehabilitation (Department of Labour and Employment) No. S.O. 4078 dated the 29th November, 1972, the banking industry carried on by a banking company as defined in clause (b) of section 2 of the said Act, to be a public utility service for the purposes of the said Act, for a period of six months from the 29th December, 1972.

And whereas the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act for a further period of six months from the 29th June, 1973.

[File No. S. 11025/19/73-LR.I.]

का. आ. 1753.—यतः केन्द्रीय सरकार ने, यह समाधान हो जाने पर कि लोक हित में ऐसा उपर्क्षत था, भारत सरकार के श्रम, रोजगार और पूर्वासी मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना सं. का. आ. 4168 तारीख 28 नवम्बर, 1972 द्वारा दिल्ली दूरध्व स्कॉम के अधीन दूरध्व के प्रवाय के लिये उद्योग की औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) के लिए 22 दिसम्बर, 1972 से छ: मास की कालावधि के लिये लोक उपचारी सेवा घोषित किया था।

और यतः केन्द्रीय सरकार की राय है कि लोक हित में उक्त कालावधि का बढ़ाया जाना अपर्क्षत है।

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (८) के उपखण्ड (८) के परन्तु इसके प्रदृष्ट शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्देश्यारा उक्त उद्योग के उक्त अधिनियम के प्रयोजन के लिए 22 जून, 1973 से छ: मास की और कालावधि के लिए लोक उपचारी सेवा घोषित करती है।

[फा. सं. एस.-11025/18/73-एल. आर. १]
एस. एस. सहस्रनामन, अवर सचिव

S.O. 1753.—Whereas by the Notification of the Government of India in the Ministry of Labour and Rehabilitation (Department of Labour & Employment) No. S.O. 4166, dated the 28th November, 1972, the Central Government, being satisfied that the public interest so required, had declared the industry for the supply of milk under the Delhi Milk Scheme to be a public utility service for the purposes of the Industrial Disputes Act, 1947 (14 of 1947), for a period of six months from the 22nd December, 1972;

And whereas the Central Government is of opinion that public interest requires the extension of the said period;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act, for a further period of six months from the 22nd June, 1973.

[F. No. S. 11025/18/73-LR. I.]
S. S. SAHASRANAMAN, Under Secy.

आषेश

का. आ. 1754.—यतः केन्द्रीय सरकार की राय है कि इससे उपचार अनुसूची में विनिर्विष्ट विषयों के बारे में मौर्सर शिफिंग एण्ड क्लीयरिंग (एजेंट्स) प्राइवेट लिमिटेड, कलकत्ता के प्रबंध तंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक औद्योगिक विवाद विद्यमान है।

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायान्वित करना बांधनीय समझती है,

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (१) के खण्ड (८) द्वारा प्रदृष्ट शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त विवाद के उक्त अधिनियम की धारा-७के के अधीन गठित केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता को न्यायान्वित्यन के लिए निवैशित करती है।

अनुसूची

“क्षमा मैसर्स शिफिंग एण्ड क्लीयरिंग (एजेंट्स) प्राइवेट लिमिटेड, कलकत्ता के कर्मकारों, अर्बत सर्वश्री चन्द्रिका राय, राम प्रसाद राय, अमित्रका राय, राम नरेश, रामदेव, सागर, राम और्ध्व, हरि चरण, धर्मनाथ, रामबुजी, हीराय, राम चन्द्र, लाल बहादुर सिंह, मजदूर और श्री जाकिर, छाइवर और श्री हैदर खां, बलीनर, जिम्का प्रीति-निर्धित्व नेशनल यूनियन आफ वाटरफ्रांट वर्कर्स (इंटर्क) द्वारा किया गया, को निम्नलिखित मांगों न्यायान्वित हैं ? यदि हाँ, तो वे किस अनुत्तर के और किस तारीख से हक घोर हैं ?

- (1) कर्मकारों के स्थायित्व की घोषणा,
- (2) वेतनमान का नियतन,
- (3) भूल्य पत्तनों पर पत्तन और डाक कर्मकारों को केन्द्रीय मजदूरी बोर्ड की सिफारिशों के अधीन यथा अनुङ्ग

मंहगार्ड भत्ता, अर्द्धसिक्त मंहगार्ड भत्ता, मकान किराया, नगर प्रतिकरात्मक भत्ता का संदर्भ ।

(4) साप्ताहिक विश्राम ।

(5) विशेषाधिकार छुट्टी, बीमारी की छुट्टी, आकर्स्मक छुट्टी ।

[सं. एस-32011/2/73-पी एण्ड डो]

की शंकरालिंगम, अधर सचिव

ORDER

S.O. 1754.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Messrs Shipping and Clearing (Agents) Private Limited, Calcutta and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

Whether the following demands of the workmen, namely; S/Shri Chandrika Rai, Ram Prasad Rai, Ambika Rai, Ram Naresh, Ramdeo, Sagar, Ram Audhary Hari Charan, Dharamnath Ramboji Hari Rai, Ram Chandra, Lal, Bahadur Singh, Mazdoors and Shri Zakir, Driver and Shri Haider Khan, Cleaner of Messrs Shipping & Clearing (Agents) Private Limited as represented by National Union of Waterfront Workers (INTUC) are justified? If so, to what relief are they entitled and from what date?

(1) Declaration of permanency of workmen;

(2) Fixation of pay scale;

(3) Payment of dearness allowance, additional dearness allowance, House rent, City Compensatory allowance as admissible under the recommendations of the Central Wage Board for Port and Dock Workers at Major Ports.

(4) Weekly rest.

(5) Privilege leave, sick leave and casual leave.

[No. L-32011/2/73-P&D.]

V. SANKARALINGAM, Under Secy.

नई दिल्ली, 6 जून, 1973

कानून 1755 —कर्मचारी गज्ज औमा अधिनियम, 1948 (1948 की 34) की धारा 7वा ढारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय गरकार, इससे उपावद अनुमूली के स्तम्भ (4) में विनिर्दिष्ट कारबानों की उक्त अनुमूली के स्तम्भ (3) में विनिर्दिष्ट महाराष्ट्र राज्य के ऐसे क्षेत्रों में, जिसमें उक्त अधिनियम के अध्याय 4 और 5 के उपबन्ध प्रवृत्त नहीं हैं, अवस्थिति को व्यान में ख्वात हुआ उक्त कारबानों को उक्त अधिनियम के अध्याय 5 के अधीन उद्ग्रहणीय नियोजक के विशेष अभिदाय के सदाय में, इस अधिनियम के राजपत्र में प्रकाशन की तारीख से 30 जून, 1973 तक जिसमें यह दिन भी शामिल है या तब तक के लिए, जब तक कि उक्त अधिनियम के अध्याय 5 के उपबन्ध उन क्षेत्रों में प्रवृत्त नहीं हो जाते, जो भी पहले हो, गूठ देती है।

क्रम सं०	जिले का नाम	क्षेत्र का नाम	आरब्धाने पान नाम
(1)	(2)	(3)	(4)
1. अकोला	करजा	मैसर्स कैलाश दान और फ्लोर मिल्स ।	
2. अमरावती	भद्रनेरा	1 मैसर्स गुलाबनन्द आयल मिल्स ।	
3. भाणग	भाणगरा	2 मैसर्स वेजिटेल आयल मैन्युफैक्चरिंग कम्पनी प्राइवेट लिमिटेड ।	
4. बुलडाना	मलकापुर	मैसर्स भारत जनरल एण्ड ट्रेफ्स टाइल इन्डस्ट्री लिमिटेड आयल मिल्स ।	
5. नागपुर	नागपुर (कास्टी-रोड)	मैसर्स एशियेटिक आक्सीजन एण्ड एक्सोटिनीइन कम्पनी लिमिटेड, बतो मजिल ।	
6. नवेर	वाजेगांव	मैसर्स मराठवाडा उत्तापदक महाराष्ट्री सूत गिरनी भर्वादित ।	
7. उममानाबाद	भुरुद	मैसर्स पी० सी० पोल फैक्ट्री, एम० एस० इल्लिन्ड्रोमटी बोर्ड ।	
8. योतमल	लाहोरा	मैसर्स डिस्ट्रिक्ट कोआपरेटिव डेवलपमेंट सोमाहटी लिमिटेड, गांधी भवन, आजाद मैदान ।	
9. श्रीरामाबाद	कागझीपुरा	मैसर्स हैंडमेड पेपर मैन्युफैक्चरिंग कोआपरेटिव इन्डस्ट्रिल्य गामाहटी लिमिटेड ।	
10. उममानाबाद	उद्धीर	मैसर्स तुंग आयल मिल्स स्टेशन रोड, उद्धीर ।	

[कां स० एस० 38014(7)/73-पञ्चांगार्ड०]

New Delhi, the 6th June, 1973

S.O. 1755.—In exercise of the powers conferred by section 73f of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government, having regard to the location of the factories specified in column (4) of the Schedule hereto annexed in areas specified in column (3) of the said Schedule, in the State of Maharashtra in which the provisions of Chapters IV and V of the said Act are not in force, hereby exempts the said factories from the payment of employer's special contribution leviable under Chapter VA of the said Act with effect from the date of publication of this notification in the Official Gazette upto and inclusive of the 30th June, 1973 or until the enforcement of provisions of Chapter V of the said Act in those areas, whichever is earlier.

SCHEDULE

Sl. No.	Name of the District	Name of the area	Name of the factory
(1)	(2)	(3)	(4)
1. Akola	Karanja	Messrs Kailash Dal and Flour Mills.	
2. Amravati	Badrnera	1. Messrs Gulab chand Oil Mills. 2. Messrs Vegetable Oil Manufacturing Com- pany Private Ltd.	
3. Bhandara	Bhandara	Messrs Bajaj Metal Works, Station Road.	
4. Buldhana	Malkapur	Messrs Bharat General and Textile Industry Limited, Oil Mills.	
5. Nagpur	Nagpur (Kamptee Road)	Messrs Asiatic Oxygen and Acetylene Com- pany Limited, Vali Manzil.	
6. Nanded	Wazegaon	Messrs Marathwade Ut- padak Sahkari Sut Girni Maryadit.	
7. Osmanabad	Murud	Messrs P.C. Pole Fac- tory M.S. Electricity Board.	
8. Yeotmal	Lahora	Messrs District Co- operative Develop- ment Society, Ltd. Gandhi Bhavan, Azad Maidan.	
9. Aurangabad	Kagzipura	1. Messrs Hand Made Paper Manufacturing Co-operative Indus- trial Society Limited.	
10. Osmanabad	Udgir	Messrs Durga Oil Mills Station Road, Udgir.	

[File No. S-38014/7/73-HI]

नह्य दिल्ली, 8 जून, 1973

का. आ. 1756.—यतः कन्नद्रिय सरकार ने कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 4 के खण्ड (३)के अनुसरण में श्री वी. के. चानन के स्थान पर श्री एस. एस. संजागिरी, उप श्रम आयुक्त, दिल्ली प्रशासन, दिल्ली को कर्मचारी राज्य बीमा नियम में संघ राज्य क्षेत्रों का प्रतिनिधित्व करने के लिए नामनिर्दिष्ट किया है,

असः, अब, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 4 के अनुसरण में, कन्नद्रिय सरकार, भारत सरकार के भूतपूर्व श्रम, रोजगार और पूनर्वास मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना सा. का. आ. 2763, तारीख 27 मई, 1971 में निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में (कन्नद्रिय सरकार द्वारा धारा 4 के खंड (३) के अधीन संघ राज्यक्षेत्रों का प्रतिनिधित्व करने के लिए

नामनिर्दिष्ट) शीर्षक के नीचे मव 22 के सामने की प्रविधिष्ट के स्थान पर निम्नलिखित प्रविधिष्ट रखी जाएगी, अर्थात्,—

“22. श्री एस. एस. संजागिरी,

उप श्रम आयुक्त, दिल्ली प्रशासन, दिल्ली।”

[फा. सं. घू-16012/4/73-ए. आई]

New Delhi, the 8th June, 1973

S.O. 1756.—Whereas the Central Government has in pursuance of clause (e) of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), nominated Shri S.S. Sanzagiri, Deputy Labour Commissioner, Delhi Administration, Delhi to represent the Union territories on the Employees' State Insurance Corporation in place of Shri V.K. Channa;

Now, therefore, in pursuance of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following further amendment in the notification of the Government of India in the late Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 2763, dated the 27th May, 1971, namely:—

In the said notification, under the head (Nominated by the Central Government under clause (e) of section 4 to represent union territories) for the entry against item 22 the following entry shall be substituted, namely:—

“22. Shri S.S. Sanzagiri, Deputy Labour Commissioner, Delhi Administration, Delhi.”

[No. U-16012/4/73-HI]

का. आ. 1757.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 73-व इतारा प्रदत्त शक्तियों का प्रयोग करते हुए, कन्नद्रिय सरकार, एट्लांडरा सीवेज प्लॉटिफिकेशन ट्रैटमेंट प्लॉट, बड़ोदा म्यूनिसिपल कार्पोरेशन, अकोला पाड़ा रोड, बड़ोदा नामक कारखाने की, ऐसे क्षेत्र में, जिसमें उक्त अधिनियम के अध्याय 4 और 5 के उपबंध प्रवृत्त हैं, अविस्थरित को ध्यान में रखते हुए उक्त कारखाने को उक्त अधिनियम के अध्याय 5 के अधीन उद्घाणीय नियोजक के विशेष अभिदाय से इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से 30 जून, 1973 तक जिसमें वह दिन भी शामिल है, छूट देती है।

[फा. सं. 38014(37)/73-ए. आई]

इलजीत सिंह, अवर सचिव

S.O. 1757.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government, having regard to the location of the factory, namely the Atladara Sewage Purification Treatment Plant, Baroda Municipal Corporation, Akola Padra Road, Baroda in an area in which the provisions of Chapters IV and V of the said Act are in force, hereby exempts the said factory from the payment of the employer's special contribution leviable under Chapter VA of the said Act with effect from date of publication of this notification in the Official Gazette upto and inclusive of the 30th June, 1973.

[File No. S-38014/37/73-HI]
DALJIT SINGH, Under Secy.